

Ralph W. Woodworth  
Leo C. Wilder  
Albert J. Hoskinson  
Elliott B. Roberts  
Henry E. Finnegan  
Charles M. Thomas  
Charles Pierce  
Thomas B. Reed  
Jack C. Sammons  
Robert W. Knox  
H. Arnold Karo  
George L. Anderson  
Isidore Rittenburg

To be hydrographic and geodetic engineer with rank of lieutenant in the Coast and Geodetic Survey from the 19th day of January 1942:

Ira T. Sanders  
Edward R. McCarthy  
Francis B. Quinn  
Emil H. Kirsch  
Henry J. Healy  
John H. Brittain  
Walter J. Chovan  
George A. Nelson  
Wilbur R. Porter  
Clarence A. Burnmaster  
Percy L. Bernstein  
James D. Thurmond  
Charles A. Schanck  
Joseph P. Lushene  
Curtis LeFever  
Henry O. Fortin  
George W. Lovesee  
Edwin C. Baum  
Lawrence W. Swanson  
Gilbert R. Fish  
Franklin R. Gossett  
Ernest B. Lewey  
John C. Mathisson  
George E. Morris  
Clifton J. Wagner  
Roswell C. Bolstad  
Arthur N. Stewart  
Clarence A. George  
Max G. Ricketts  
Robert A. Earle  
Harry F. Garber  
Karl B. Jeffers  
Vawter M. Gibbens

To be junior hydrographic and geodetic engineer with rank of lieutenant (junior grade) in the Coast and Geodetic Survey from the 19th day of January 1942:

Charles A. Schoene  
William R. Tucker  
Philip A. Weber  
William N. Martin  
Harold J. Seaborg

Kenneth G. Crosby  
Glendon E. Boothe  
Earle A. Deily  
Leonard S. Hubbard  
Philip C. Doran  
John C. Bose  
Hubert A. Paton  
Walter H. Bainbridge  
Carl I. Aslakson  
Riley J. Sipe  
Samuel B. Grenell  
Paul A. Smith

John Laskowski  
Ross A. Gilmore  
Gilbert C. Mast  
Fred A. Riddell  
Ira R. Rubottom  
Maurice E. Wennermark  
Fred Natella  
Jeremiah S. Morton  
Robert A. Marshall  
Edward B. Brown, Jr.  
John C. Ellerbe  
Maurice A. Hecht  
John C. Tribble, Jr.  
James C. Tison, Jr.  
Kenneth S. Ulm  
Clarence R. Reed  
Edmund L. Jones  
William C. Russell  
Junius T. Jarman  
Herman C. Applequist  
William F. Deane  
Edgar F. Hicks, Jr.  
John C. Bull  
Arthur L. Wardwell  
Emmett H. Sheridan  
Ernst E. Stohsner  
Joseph E. Waugh, Jr.  
Dorland H. Konichek  
Paul Taylor  
Horace G. Conerly  
Charles F. Chenworth

Dale E. Sturmer  
Fair J. Bryant  
Charles W. Clark  
Joseph W. Stirni  
Glen W. Moore

Teach us the lesson so needful for our time, that only he who stoops to wear the yoke of law becomes the child of liberty, that in the kingdom of the soul obedience is strength which blossoms into beauty as it obeys the simple law of sacrifice.

Remember those who, despite their grief or pain, must take up heavy burdens, grievous to be borne; comfort the woeful and heavy-hearted, and bring each one of us to the close of day at eventide, free from conscious wrong, to the feet of Him upon whose lips tremble words of mercy and of healing, even Jesus Christ, Thy Son, our Lord. Amen.

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, March 20, 1942, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on March 21, 1942, the President had approved and signed the following acts:

S. 1777. An act for the relief of Robert Lee Phillips and for the six minor children of Robert Lee Phillips and the late Estelle Phillips, namely, Robert Lee Phillips, Jr., James Rudolph Phillips, Katherine Phillips, Richard Eugene Phillips, Charles Ray Phillips, and David Delano Phillips;

S. 1971. An act to legalize a bridge across Bayou Lafourche at Valentine, La.;

S. 2089. An act to authorize the transfer of the custody of a portion of the Croatian National Forest, N. C., from the Department of Agriculture to the Department of the Navy; and

S. 2222. An act to authorize the Federal Works Administrator to acquire title, on behalf of the United States, to not more than 35 acres of land subject to certain reservations in the grantors.

#### MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 6543) to amend certain provisions of the Internal Revenue Code relating to the production of alcohol, and it was signed by the Vice President.

#### CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Byrd	George
Austin	Capper	Gerry
Bailey	Caraway	Gillette
Bankhead	Chandler	Glass
Barbour	Chavez	Green
Barkley	Clark, Idaho	Guffey
Bilbo	Clark, Mo.	Gurney
Bone	Connally	Hayden
Brewster	Danaher	Herring
Brown	Davis	Hill
Bulow	Doxey	Holman
Butler	Ellender	Hughes

Johnson, Calif.  
Johnson, Colo.  
La Follette  
Langer  
Lee  
Lucas  
McCarran  
McFarland  
McKellar  
McNary  
Maloney  
Maybank  
Mead  
Millikin  
Murdock

Spencer  
Stewart  
Taft  
Thomas, Idaho  
Thomas, Okla.  
Thomas, Utah  
Truman  
Tunnell  
Tydings  
Vandenberg  
Van Nuys  
Wheeler  
White  
Wiley  
Willis

Mr. HILL. I announce that the Senator from New Mexico [Mr. HATCH] is absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY], the Senator from West Virginia [Mr. KILGORE], and the Senator from Washington [Mr. WALLGREN] are holding hearings in Western States on matters pertaining to national defense.

The Senator from Florida [Mr. ANDREWS], the Senator from Nevada [Mr. BUNKER], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

Mr. McNARY. I announce that the Senator from Nebraska [Mr. NORRIS] is absent because of illness.

Mr. AUSTIN. The Senator from Minnesota [Mr. BALL] is a member of the Senate committee holding hearings in the West on matters pertaining to the national defense, and is therefore unable to be present.

The Senator from New Hampshire [Mr. BRIDGES] is absent as a result of an injury and illness.

The Senator from Illinois [Mr. BROOKS] and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

#### EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

#### MANUFACTURE AND DISTRIBUTION OF NARCOTIC DRUGS: PROVISION FOR DOMESTIC CONTROL OF PRODUCTION AND DISTRIBUTION OF THE OPIUM POPPY AND ITS PRODUCTS

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes (with an accompanying paper); to the Committee on Finance.

#### STATUS OF CERTAIN NATIVES AND INHABITANTS OF THE VIRGIN ISLANDS

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation relating to the status of certain natives and inhabitants of the Virgin Islands (with accompanying papers); to the Committee on Immigration.

#### TEMPORARY APPOINTMENT OR ADVANCEMENT OF OFFICERS OF THE COAST AND GEODETIC SURVEY DURING WAR OR NATIONAL EMERGENCY

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or

## SENATE

MONDAY, MARCH 23, 1942

(Legislative day of Thursday, March 5, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, the Very Reverend Z. Barney T. Phillips, D. D., offered the following prayer:

O Giver of life and light, we beseech Thee to look down with infinite pity upon this Thy world, for at the threshold of the dawn Thou art wont to meet us as we wake anew to life with its responsibilities. O Thou who art the Lover of men, show us how we may better serve with what we have, and do Thou give us strength for each new duty, power to resist temptation, the vision to recognize each opportunity, and the wisdom with which to meet it.

national emergency, and for other purposes (with an accompanying paper); to the Committee on Commerce.

**REPORT OF SECRETARY OF COMMERCE COVERING WAR AND DEFENSE ACTIVITIES OF RECONSTRUCTION FINANCE CORPORATION AND ITS SUBSIDIARIES**

A letter from the Secretary of Commerce, transmitting a report dated the 21st instant of the activities of the Reconstruction Finance Corporation and its subsidiaries in connection with the defense and war effort, dealing specifically with the commitments, loans, and advances made by the Defense Plant Corporation, Defense Supplies Corporation, Metals Reserve Company, Rubber Reserve Company, War Insurance Corporation, Export-Import Bank, and the Reconstruction Finance Corporation, and not including the normal operations of the Reconstruction Finance Corporation (with an accompanying report); to the Committee on Banking and Currency.

**PETITIONS AND MEMORIALS**

Petitions, etc., were laid before the Senate or presented, and referred as indicated:

**By the VICE PRESIDENT:**

A paper in the nature of a petition signed by Tom J. Collings, of New York City, N. Y., representing a committee, praying for the enactment of legislation to declare, for the duration of the war in commemoration of Pearl Harbor dead, the 7th day of each month as Defiance Day, to the end that the American people may pay their respects on that day in terms of supreme war-work effort and defiance to all enemies of the Republic; and also requesting that the Treasury Department establish a cumulative rehabilitation fund so that those who desire may voluntarily contribute their proceeds or pay on the 7th day of each month for the use of our combat troops when the war is over, and enclosing one dime as an initial contribution to such proposed rehabilitation fund; to the Committee on Military Affairs.

A resolution adopted by the Norfolk (Va.) Council of American Legion Posts, favoring the enactment of legislation to provide for a continental defense force and transmitting a draft of proposed legislation to aid in accomplishing such purpose (with an accompanying paper); to the Committee on Military Affairs.

A concurrent resolution of the Legislature of the State of New York; to the Committee on Commerce:

STATE OF NEW YORK—IN SENATE,  
Albany, February 23, 1942.

(By Mr. Young)

Whereas passage of persons and movement of commodities across the border between this country and Canada are hampered and affected by many governmental restrictions and regulations; and

Whereas during this time of perilous conflict in which both nations are allied and mutually engaged for the preservation of freedom and the defeat of dangerous enemy nations it becomes particularly urgent that all unnecessary barriers which tend to injuriously affect the common war effort shall be eliminated; and

Whereas continental solidarity and friendly exchange are not only desirable but extremely essential to successful prosecution of the war, and irritating and distressing border conditions are not only undesirable but harmfully inimical to those essentials: Now, therefore, be it

*Resolved (if the assembly concur),* That the Legislature of the State of New York hereby respectfully requests the Congress of the United States to speedily bring about and put into effect any necessary changes in our laws and regulations affecting the bor-

der between this country and Canada to the end that unnecessary restrictions may be removed and that travel of persons and movement of products may be facilitated for the purpose of promoting a harmonious, an efficient, and a victorious prosecution of the existing war; and be it further

*Resolved (if the assembly concur),* That copies of this resolution be transmitted to the Secretary of the Senate and the Clerk of the House of Representatives of the United States and to each Member of Congress of the United States from the State of New York.

By order of the senate:

WILLIAM S. KING, Clerk.

In assembly, February 24, 1942. Concurred in without amendment.

By order of the assembly:

ANSLEY B. BORKOWSKI, Clerk.

**By Mr. CAPPER:**

A petition of sundry citizens of Wichita, Kans., praying for the prompt enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

**By Mr. VANDENBERG:**

A resolution of the Friesian-Holstein Association of Livingston County, Mich., favoring the maintenance of parity prices on farm products; to the Committee on Agriculture and Forestry.

A petition of sundry citizens of Grand Rapids, Mich., praying that action be taken to prevent the destruction of 2,000,000 acres of wheat in the State of Kansas under an alleged Agricultural Adjustment Administration order; to the Committee on Agriculture and Forestry.

A resolution adopted by farmers of Branch County, Mich., members of the Michigan Marketing Quota Protest Association, protesting against alleged regimentation under the Agricultural Adjustment Administration program and favoring abolition or removal of the program in its entirety; to the Committee on Agriculture and Forestry.

A resolution of the Genesee County (Mich.) Taxpayers Association, protesting against the proposal to improve the St. Lawrence waterway during the present emergency; to the Committee on Commerce.

A resolution of the Michigan State Farm Bureau favoring that prompt and necessary steps be taken to prevent further delays in the operation of war industries due to strikes and labor disputes; to the Committee on Education and Labor.

A resolution adopted by a mass meeting of citizens at Flint, Mich., favoring the granting of a fair and impartial opportunity to Negroes, both men and women, of the city of Flint and Genesee County, Mich., along with other groups, to be trained, hired, and to work in the several plants now in operation and under construction or to be constructed in that vicinity; to the Committee on Education and Labor.

The petition of members of the Grandville Ladies Literary Club, of Grandville, Mich., praying that all partisan politics be forgotten in the interest of the common good; that the 40-hour workweek be abandoned for the duration of the war; that a ceiling be placed over the prices of essential civilian goods, wages, rents, and profits derived from war materials; that an effort be made to operate all war industries on a 168-hour week, and also that all items not essential to the prosecution of the war and the minimum necessities of the Government be eliminated from the National Budget; to the Committee on Education and Labor.

Resolutions of the commission of the city of Monroe, Mich., protesting against the proposal to tax income derived from municipal bonds, and also the enactment of any legis-

lation that might deprive the city of Monroe of the right to levy taxes on defense industries; to the Committee on Finance.

The petition of members of the Dearborn district of the Michigan Education Association, of Dearborn, Mich., praying that the State sales tax be not removed from materials purchased in the State of Michigan for the manufacture of military supplies because of its effect in lowering the revenue available to the State treasury for the maintenance of State governmental agencies; to the Committee on Finance.

A resolution of the Dickinson County (Mich.) Board of Supervisors, protesting against the enactment of the so-called big truck bills now pending in Congress; to the Committee on Interstate Commerce.

A resolution of the Michigan State Farm Bureau, favoring the prompt enactment of legislation to make it an act of sabotage to interfere in any way with the orderly delivery of agricultural commodities to market and their final consumption or storage; to the Committee on the Judiciary.

A petition of sundry citizens of Traverse City, Mich., praying for abolition of the Office of Civilian Defense; to the Committee on Military Affairs.

A resolution adopted by the mayors and other officials of the cities and villages of western Wayne County, Mich., protesting against the enactment of legislation to build a new city at Willow Run and the expenditure of sums of money and vital materials to duplicate facilities alleged already to exist in their communities; to the Committee on Military Affairs.

A petition of sundry citizens of Alpena, Mich., praying for the prompt enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

**PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS—PETITION**

Mr. BONE. Mr. President, I am in receipt of a communication from Mr. C. S. Longacre, general secretary of the American Temperance Society of the Seventh Day Adventists of the city of Washington, D. C., who submits with the letter a petition signed by a large number of citizens of the State of Washington, praying for the enactment of Senate bill No. 860, known as the Sheppard bill. The bill has been reported and is on the Senate Calendar, and, therefore, I think the petition perhaps may not properly be referred to a committee, but I shall ask the Chair to see that it is properly disposed of.

The VICE PRESIDENT. Without objection, the petition presented by the Senator from Washington will be received and lie on the table.

**OPERATION OF MANUFACTURING PLANTS AT FULL CAPACITY ON WAR WORK—PETITION**

Mr. MALONEY. Mr. President, I present for reference to the appropriate committee a petition signed by Merle M. Wetzel, John R. Beccia, Irving Hansen, C. M. MacWilliams, and many other citizens of Connecticut, and referring to strikes, lock-outs, or refusal to convert plants, and so forth. This petition is addressed to me and to my colleague, the junior Senator from Connecticut [Mr. DANAHY], and to Representative JOSEPH

E. TALBOT, of the Fifth District of Connecticut.

The VICE PRESIDENT. Without objection, the petition presented by the Senator from Connecticut will be received and referred to the Committee on Education and Labor.

#### PREPARATION FOR PEACE—PETITION

Mr. MALONEY. Mr. President, I also present for reference to the appropriate committee a petition signed by Miss Mary Ware Dennett, chairman of World Federalists, and many other citizens of the State of Connecticut, referring to the need that we "prepare in time of war for lasting peace," and suggesting the "calling at the earliest possible moment of a convention of representatives of all free peoples to frame a world federal constitution."

The VICE PRESIDENT. Without objection, the petition presented by the Senator from Connecticut will be received and referred to the Committee on Foreign Relations.

#### RESOLUTION OF LOYALTY BY CITIZENS OF BRISTOL, R. I.

Mr. GREEN. Mr. President, I have received and now present a resolution passed by the patriotic citizens of the town of Bristol, R. I., pledging their loyalty to our Commander in Chief in this world-wide war. I ask that the resolution be printed in the body of the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

*Resolved*, Whereas we, the citizens of the town of Bristol, R. I., assembled as free citizens in our time-honored and democratic annual town meeting, mindful of our historical heritage extending back of the date of the adoption of our National Government and proud of the patriotic support which our citizenry has given to our Nation and our State in every period of crisis, do now pledge our loyalty to our Commander in Chief, the President of the United States, and solemnly bind ourselves to do everything in our power to bring victory to our country in this world-wide conflict; and be it further

*Resolved*, That a copy of this resolution be spread upon the records of the town and that a certified copy be forwarded by the town clerk to the President of the United States.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH, from the Committee on Agriculture and Forestry:

H. R. 6360. A bill to amend the act known as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended; without amendment (Rept. No. 1188).

By Mr. REYNOLDS, from the Committee on Military Affairs:

S. 2387. A bill to equalize the rates of pay of all personnel in the United States Army, the Philippine Scouts, and the Philippine Commonwealth Army, and for other purposes; without amendment (Rept. No. 1189).

By Mr. GURNEY, from the Committee on Military Affairs:

S. 2380. A bill to suspend for the duration of the present war all prohibitions against the marriage of officers of the land and naval forces of the United States; with an amendment (Rept. No. 1190).

#### ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On March 18, 1942:

S. 1762. An act to authorize the Secretary of Agriculture to release the claim of the United States to certain land within Coconino County, Ariz.;

S. 1971. An act to legalize a bridge across Bayou Lafourche at Valentine, La.;

S. 2089. An act to authorize the transfer of the custody of a portion of the Croatan National Forest, N. C., from the Department of Agriculture to the Department of the Navy;

S. 2134. An act to revive and reenact the act entitled "An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto across the St. Marys River from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada," approved December 16, 1940; and

S. 2222. An act to authorize the Federal Works Administrator to acquire title, on behalf of the United States, to not more than 35 acres of land subject to certain reservations in the grantors.

On March 19, 1942:

S. 1564. An act for the relief of Pauline Caton Robertson;

S. 1669. An act for the relief of James Franklin Smith;

S. 1777. An act for the relief of Robert Lee Phillips and for the six minor children of Robert Lee Phillips and the late Estelle Phillips, namely, Robert Lee Phillips, Jr., James Rudolph Phillips, Katherine Phillips, Richard Eugene Phillips, Charles Ray Phillips, and David Delano Phillips;

S. 1898. An act for the relief of the heirs of Mrs. Nazaria Garcia, of Winslow, Ariz.;

S. 1906. An act for the relief of the estate of O. K. Himley;

S. 2063. An act to authorize certain officers and enlisted men of the Army of the United States to accept emblems, medals, orders, and decorations that have been tendered them by governments of the Western Hemisphere; and

S. 2198. An act to provide for the financing of the War Damage Corporation, to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPENCER:

S. 2393. A bill relating to the publication in places where branch banks are operated of statements of resources and liabilities of banks, the deposits of which are insured under the provisions of section 12B of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

By Mr. BILBO:

S. 2394. A bill to provide for the use of scientific tests to determine degree of intoxication of motor-vehicle operators in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

(Mr. CLARK of Idaho introduced Senate bill 2395, which was referred to the Committee on Mines and Mining, and appears under a separate heading.)

By Mr. McCARRAN:

S. 2396. A bill to amend the Taylor Grazing Act for the purpose of providing for greater participation by district advisory boards in administration of the act; to the Committee on Public Lands and Surveys.

(Mr. BILBO introduced Senate bill 2397, which was referred to the Committee on

Military Affairs, and appears under a separate heading.)

By Mr. THOMAS of Oklahoma:

S. 2398. A bill authorizing the sale of certain parcels of land reserved for public purposes in the patent issued with respect to the townsite of Fletcher, Okla.; to the Committee on Public Lands and Surveys.

By Mr. McKELLAR:

S. 2399. A bill to amend the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938, as amended; to the Committee on the Judiciary.

#### SUSPENSION OF ASSESSMENT WORK ON CERTAIN MINING CLAIMS

Mr. CLARK of Idaho. Mr. President, recently the War Production Board issued an order denying priority for equipment to mines in the West in which the production of gold or silver is in excess of 30 percent of the dollar value of the entire production. This will work a very measurable hardship on the holders of small gold and silver claims. Consequently, I ask consent to introduce a bill to suspend, for the duration of the war, the assessment work which the law provides must be done on mining claims in the West.

There being no objection, the bill (S. 2395) to suspend, until July 1 next succeeding the termination of the war, the provision of section 2324 of the Revised Statutes requiring the performance of \$100 worth of labor or the making of \$100 worth of improvements annually on certain mining claims, was read twice by its title and referred to the Committee on Mines and Mining.

#### AMENDMENT TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. BILBO submitted an amendment intended to be proposed by him to House bill 6709, the Agricultural Department appropriation bill for the fiscal year ending June 30, 1943, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 75, at the end of line 21, to insert a colon and the following: "Provided further, That, notwithstanding any other provision of law, persons who in 1942 carry out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who comply with the terms and conditions of the 1942 agricultural-conservation program, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers."

#### LIMITATIONS ON CAPITAL AND LABOR

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a statement by him and an article from the Washington Post of March 22, 1942, relating to limitations on capital and labor, which appear in the Appendix.]

#### LABOR AND WAR PRODUCTION—EDITORIAL FROM THE TULSA (OKLA.) TRIBUNE

[Mr. REED asked and obtained leave to have printed in the RECORD an editorial from the Tulsa (Okla.) Tribune of March 1942, entitled "The People Are in Command," which appears in the Appendix.]

#### THE 40-HOUR WEEK—EDITORIAL FROM THE TOPEKA (KANS.) JOURNAL

[Mr. REED asked and obtained leave to have printed in the Record an editorial entitled "A Startling Statement," referring to a statement by the Under Secretary of War concerning the 40-hour week, which appears in the Appendix.]

#### ARMY AND NAVY SCHOOLS

[Mr. BILBO asked and obtained leave to have printed in the Record an editorial from the Washington Times-Herald of March 23, 1942, entitled "More Army and Navy Schools for Young MacArthurs," which appears in the Appendix.]

#### COMMENT ON ARTICLE OF DAVID LAWRENCE

[Mr. GUFFEY asked and obtained leave to have printed in the Record two letters from the Princeton Alumni Weekly concerning an article written by David Lawrence entitled "The New Alibi," which appear in the Appendix.]

#### SUPPORT OF THE PRESIDENT

[Mr. LEE asked and obtained leave to have printed in the Record an editorial written by Mr. J. C. Nance, of Oklahoma, entitled "Wave the Flag and Support the President," which appears in the Appendix.]

#### ARMY AND NAVY SCHOOLS

Mr. REYNOLDS. Mr. President, some time ago I introduced a bill providing for additional appointments to the Military Academy at West Point and the Naval Academy at Annapolis. This morning I read in the Washington Times-Herald an editorial entitled "More Army and Navy Schools for Young MacArthurs." I had intended asking that the editorial be inserted in the Appendix of the Record in support of the bill to which I have referred, but I understand the editorial has already been ordered printed in the Record at the request of the Senator from Mississippi [Mr. BILBO].

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 27) authorizing certain clerical changes in the enrollment of the bill (S. 2208) to further expedite the prosecution of the war.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1696) for the relief of Bessie Walden, and it was signed by the Vice President.

#### TOTAL MOBILIZATION FOR WAR

Mr. BILBO. Mr. President, the greatest problem confronting our Republic today is to make absolutely certain the winning of the war. To do this we must utilize all our manpower, womanpower, every dollar, all our resources, and potential production in the speedy and effective prosecution of the war.

In his annual message to the Congress on January 6, this year, President Roosevelt pronounced the following production aims:

First. To increase our production rate of airplanes so rapidly that in this year, 1942, we shall produce 60,000 planes; the rate of increase to be continued so that in 1943 we shall produce 125,000 planes—a total of 185,000.

Second. To increase our production rate of tanks so rapidly that in this year, 1942, we shall produce 45,000 tanks; and to continue that increase so that next year, 1943, we shall produce 75,000 tanks—a total of 120,000.

Third. To increase our production rate of antiaircraft guns so rapidly that in this year, 1942, we shall produce 20,000 of them; and to continue that increase so that next year, 1943, we shall produce 35,000 antiaircraft guns—a total of 55,000.

Fourth. To increase our production rate of merchant ships so rapidly that in this year, 1942, we shall build 8,000,000 deadweight tons as compared with a 1941 production of 1,000,000; and to continue that increase so that next year we shall build 10,000,000 tons—a total of 18,000,000 tons for the 2 years.

There is a great hue and cry about the lag in production of war equipment. The officials in charge of our war-production program tell us that airplane plants, for example, are operating at a rate of only 125 to 150 hours a week when their facilities could be used 168 hours a week. They tell us that loss in production in the aviation industry during the past three and a half months, alleged to be due to various inexcusable causes, has cost this country 3,000 planes which might have been built.

Just think what those 3,000 planes would have meant to our deathless heroes in the fox holes of the Philippines who are going through the tortures of hell in this mighty conflict between civilization and barbarism. Just think what they could mean to the magnificent MacArthur and his heroic troops now in Australia. Mr. Herbert V. Evatt, Australian Minister of External Affairs, who arrived here 2 or 3 days ago, has told us emphatically that aircraft must be provided at once. He said:

We can destroy Japanese aggression, but to do so aircraft must be provided at once. Next month may be a month too late.

Mr. Donald Nelson, head of the War Production Board, has stated that if all our plants and equipment now involved in war production were used 24 hours a day, 7 days a week, we would practically double our present production. We must double or treble our present rate of production if we expect to attain the goal to which we are pledged. Production recently stepped up to the rate of about 3,000 planes a month; but we must do much better than that.

We know that time is of the essence. The Allied Nations are agreed that "time is but a treacherous ally, ready to fight on either side," and that an Allied victory in this globe-embracing war calls for speed and more speed in the production of more and more planes and tanks and ships and guns.

We know concentration of control over raw and manufactured materials in the hands of a few larger corporations or holding companies has endangered our chances of success in the war; and that it is absolutely imperative that we take immediate steps to correlate all our facilities and resources in order to win the war.

We know that every extra year of war will mean hundreds of thousands, per-

haps millions, more killed and wounded, and billions of dollars more in expenditures to finance the war.

There is a rising tide of bitter protest because of the manner in which labor is behaving, or misbehaving. Volumes of scathing words have been hurled forth in acrimonious criticism of the Congress, the President, and the whole Democratic administration, including the Army, Air Corps, and Navy, charging us with coddling labor, condemning us for not making labor behave more patriotically. I must say that I have found most of this criticism to be highly exaggerated propaganda. I am told that as of March 17 there were between seven and one-half and eight million men in the United States at work in war industries and fewer than 100 on strike. It is manifestly unfair to lay all the blame at the door of organized labor. There has been too much of a tendency to single out labor as a horrible example.

Yes; it is true that before the infamous attack at Pearl Harbor we had far too many strikes, lay-offs, and stoppages in the war-industry plants of the Nation, but all these delays cannot be charged to organized labor, because in many cases the fault was in the employer or management. Capital and organized labor should share equally this responsibility for delay or failure, but since Pearl Harbor, be it said to the credit of both organized labor and industry, the delays and stoppages in the war industry of the Nation have been infinitesimally small when compared to the eight or ten million hard-working and patriotic men who have faithfully toiled to produce speedily the implements with which to win this war. Only in a very few cases in the thousands of war industrial plants throughout the entire Nation should a few unpatriotic, trouble-breeding labor leaders and greedy, selfish, profit-crazed industrialists have been promptly "shot at sunrise" or, as they would say in Germany, "liquidated."

Yes; many newspapers, columnists, politicians, and others in letters to the Congress are demanding that the President and the Congress "crack down" on organized labor and take away from labor many of the legal rights and gains they have attained in a fight and struggle over a period of 50 years—a battle, a struggle, to give the men and women who toil and produce a real "break in life"—freeing them from oppression, from the selfish, profit-mad employers and industrialists, freeing them and their families from virtual slavery, long hours of toil at low wages, unsanitary and hazardous labor conditions, and low, miserable living conditions and standards of life.

I have only one boy, and he is possibly on his way to Australia. Therefore, I share the feelings of anxiety and impatience of the many well-meaning critics who want to "crack down" on labor, industrialists, or on any other person who would for a moment delay the production of much-needed ships, planes, tanks, guns, and other implements of war, when our boys are being rushed to practically all the battle fronts all over the world to fight and to die to save our own country and all our people from slavery and oppression by powerful, well-trained, and

highly equipped armies—foes whose ultimate aim is to crush and put in slavery the American people.

My countrymen, do not mistake the issue. It is the United States that Germany and Japan are seeking to defeat and destroy. They know that because of our wealth, resources, and our great industrial production and the fighting strength of our manpower and womanpower, made strong because of our faith in and loyalty to the ideals of a truly democratic form of government, America is the last and only obstacle in the way to defeat their dreams of world conquest and total domination and enslavement of all the races of mankind in the world today.

Thank God the American people are still free as the winds, even if we are in the midst of war; all free except our soldier boys—they must take orders and do or die or be shot for disobedience. The laboring man in a war plant today is as free to work or play as the farmer in his fields. Suppose we should lose our heads and follow the advice of some of our wildest critics and "crack down" on organized labor, rob them of their dearly bought and precious rights and gains, the ten or twelve million skilled and trained industrial workers could walk out of every war plant in America, and our whole program would be bogged down overnight. They would not need to strike—just walk out. They would not have to form picket lines or try to keep others by force and violence from working in these plants. There would be no one to take their places because these men are highly skilled. It takes months, and in some instances years, to learn to manipulate the highly mechanized and complicated machines which are now turning out the instruments of death and destruction which are so sorely needed by our boys on the battle fronts throughout the world.

I warn my colleagues and my countrymen that we had better keep our feet on the ground. These are dangerous times. Go slow. Yes; stop sometimes and think. We could lose this war by our own mistakes.

Mr. President, please let me say in this connection that I bitterly resent the charge which is so often made by some members of the press, by politicians, and a few persons, that the President and the Congress are afraid to enact certain legislation because we are afraid of the political influences of the farm bloc, the labor group, or any other group or groups. I hate to think that my colleagues or any of them in the Senate would, in the face of the desperate war situation which confronts the Nation today, be influenced in any vote or action on any question for purely party, partisan politics, or even for his own political fortunes, and thereby jeopardize the welfare and safety, yea, the very life of the Republic.

There is a great outpouring of patriotic declarations on the part of millions of good citizens who say that they want to do their part to help win the war if they only knew what to do. "How can I help?" "Where could I best fit into the

war effort?" These are oft-repeated questions we hear on every side. Of course, there is not a place in the armed forces for everyone who wants to do his bit toward winning the war. For every man that goes into the armed forces, 18 men or women must stay busy here on the home front to produce the supplies and materials of war. Gen. Ben Lear recently declared:

Your sons are being made into fighters. Their instruction may be varied and require professional skill, but their mission is simple—to destroy the enemy on land, on the seas, and in the air. Their families at home, their neighbors around the corner, their teamworkers in the factories and on the farms, they, too, belong grimly, determinedly, unselfishly, in the ranks of the warriors of the Republic. They, too, must fight for every advantage that may be given their men and their allies on the battle fronts. At home as greatly as on the seas, in the deserts, among the jungles, and over the mountains and plains—fighters will win.

Multipled thousands of men and women are being thrown out of work because their former occupations have been disrupted by war priorities. In all, I think there are about five or six million unemployed workers in the United States at this time.

So, on the one hand, we have the spectacle of lagging production in essential war industries. On the other hand, we have the spectacle of millions of people wanting and needing work, but who have been unable to find their peculiar niche in the war program. This is indeed an ironic situation. It is a baffling enigma; a conflicting situation leading to disunity, discontent, insecurity, and ineffectiveness in our war effort.

Everyone agrees that we have a tremendous job to do. No one doubts that in the long run the American people will necessarily shoulder the major burden of winning the victory and writing the peace that follows; because we have the preponderance of potential manpower and womanpower, the greater share of the basic resources, and the greater wealth. We are just about the only nation that has enough food even now, and before this titanic struggle is over we shall have to help feed and clothe the whole world. Our vast resources are not only an important element in the war itself, but our possession of these things may well be expected to give us a larger influence in rebuilding the world after the last gun is fired.

Even the man on the street visualizes the immensity of the task before us if we are lick the beast of Berlin, the yellow gorilla of Japan, and the windbag of Italy. He knows that Hitler has been boasting for a long time that today he is the ruler of Europe and that tomorrow he will rule the world; that the Japs already have their blueprints made for ruling America from the White House in Washington. Yes; even the man in the street knows that what we must do to the Axis terrorists is to meet them, beat them, and destroy them for all time to come.

After much deliberation on the problem confronting us, I have reached the conclusion that the solution lies in com-

plete mobilization of our people and all that we possess for a successful prosecution of the war. It is my modest opinion that we must work out an orderly system whereby each individual and our diverse resources will be placed at the service of the country, to be utilized where most needed. This is my answer to the swivel-chair generals who have found it so easy to sit behind polished desks and dispatch caustic messages to Washington criticizing what has been done, without offering anything better to take its place.

My answer to the carping critics is: Then let us have total mobilization of all the people and all our resources, organized into productive units to serve according to the mandates of necessity.

Each man to his place, O Israel, and drive thou on to victory!

I propose that we amend the Selective Training and Service Act of 1940 so as to require every citizen of the United States and every other person residing in the United States, 18 years of age or older, to submit to registration in the same manner that the young men from 20 to 44 already have been required to register for military service.

I propose that the President of the United States be authorized and empowered to order any such person or persons to perform any work or duties which he is capable of performing and to fix the terms and conditions upon which such work or duties shall be performed and to prescribe the compensation to be paid therefor.

I propose that the President of the United States be authorized and empowered to requisition any property of any nature whatsoever that is needed for the defense of the country or for prosecution of the war.

Mr. President, I believe a large percentage of our people will be inclined to favor this method of integrating and coordinating our manpower, womanpower, and our material resources or properties. I am sure that every father and mother who have a son facing shot and shell, every wife whose husband is risking his life at the front, every sister and brother of boys daily risking their lives on some battleground somewhere in the world, and every patriotic citizen who daily prays for the lives and safety of our boys will approve of this all-out total mobilization of the country's all to back up and protect our boys while they fight and die and to make certain our victory. Our boys are taking the great risk, giving their all, 24 hours a day, and many are dying for us and our country. We at home can at least give freely of all our time and all we possess—that they may win and that more of them may live.

But whether others agree with me today or not, I know that in a little while when the long black boxes, draped in the folds of Old Glory, containing the last remains of our immortal heroes who gave their all that this Republic might live, begin to pour into every little hamlet, town, and city of the Nation everyone will then wish we had given our all, for it would have saved the precious lives of so many.

A recent Gallup poll survey disclosed that the country is already prepared to accept total mobilization by the overwhelming vote of nearly 2 to 1. It revealed that of all the people interrogated as to their willingness to exchange their present job for one in a defense factory at whatever pay the defense job would offer, a total of 57 percent answered "Yes"; 40 percent answered "No"; and 3 percent were undecided.

The public-opinion poll on the question of drafting women for war training and war work revealed that 73 percent of the women polled voted "yes," and that 63 percent of the men were in favor of it.

A few days ago President Roosevelt warned the Nation that "no American man, woman, or child can escape the consequences of this war." He warmly approved the following excerpt from a book entitled "This Is Your War" by Marquis W. Childs:

No American man, woman, or child can escape the consequences of this war. No other national effort in our history has required so much from each of us in sacrifice and effort. Every single aspect of your daily standard of living is going to be affected. Some of these changes you have already learned about from the newspapers. A pampered nation in the past, America is inexperienced in war.

Nearly all the major nations at war have the power to conscript their entire populations and their possessions for the war effort. The best way for us to evaluate the probable effectiveness of such a plan in our country is to judge how it has worked elsewhere in actual practice. So let us see how total mobilization is working out in England.

In the recent report by Lord Halifax, the British Ambassador, on what Britain has been doing in the two and a half years of war, he made some very interesting and heartening revelations. He proved beyond a shadow of a doubt that England is truly "stripped for action." This report showed that one-fifth of the entire British people have been shifted from their home communities to places where they are more urgently needed for war-production purposes. This mass shift of war-production workers affected 9,000,000 persons. The report also disclosed that 60 percent of England's national income has been devoted to war purposes, and that taxing "almost reaches the confiscation point."

When it became necessary to conscript women for war work to replace men workers called in combative service, it is said that at first there was a great deal of opposition in staid, conventional old England to the induction of women into factory life. But since the program has gone into effect, it has proved and is proving increasingly satisfactory and effective. Women are found everywhere in factories turning out engines for long-range bombers, in machine-tool works, and in small-arms factories, doing both skilled and unskilled work, and doing it expertly. Now that they understand that victory rests as much with them as with the men in the armed forces, those fine British women are deriving great satisfaction from doing a

man's work while the men go out to the battle fronts. Morale is greatly improved; nerve tension has been notably lessened; and a realistic democracy such as had never before been witnessed in England has developed.

In Russia millions of women have been called into the service of the country to do men's work. They do all sorts of tasks in the factories. They drive locomotives and tractors; serve as engineers on ships and pilots on planes. They are said to be so numerous in munitions factories that there is hardly a weapon or shell that has not been touched by a woman's hand. Thousands of Russian women are engaged in actual combative service. During a recent Russian celebration two Russian women received awards for having ambushed a German supply train, destroying 3 tanks and 11 automobiles.

China has universal mobilization. Her citizens are recruited on the basis of conscription, trained under one system, uniformly equipped, strictly disciplined, and taking orders from a unified command. In addition to the 5,000,000 actively engaged in warfare, there are 10,000,000 reserves and 49,000,000 potential fighting men. We are reminded, too, that the classification "fighting men" includes the womenfolk. It includes the well-known Kevangsi battalion of Chinese women at the front.

I am reliably informed that in those countries where it is mandatory that every citizen do his part there is a tremendous boon to morale in working together in a common cause. As one writer expressed it:

It is the same lift that is imparted by a great choir of voices, or by a full-throated band, a tremendous orchestra vibrating to a single theme. It is a lift that actuates the thousands of pilots, the tens of thousands of marching men who are pouring like a resistless avalanche through the mountain passes and into the valleys.

Australians apparently have found regimented manpower and womanpower and wealth highly satisfactory. At least they have retained throughout the past quarter of a century certain phases of the program which was inaugurated during the World War No. 1 era. Throughout this quarter century they have continued to have pay scales and working conditions fixed by law. The basic wage or salary at the present time, mandatory for all adults no matter what the job, is \$22 a week—worth about \$50 a week by New York standards. Their Government is patterned after the United States, having an elective house of representatives and senate. So, if the people did not like the system, they easily could have changed it long ago. I understand that there is no unemployment and no illiteracy in Australia—though, of course, banishment of all colored people except the aborigines, by the White Australia Act of 1901, has helped tremendously to cut down illiteracy in that country.

A day or two ago I saw a photograph of a group of Australian women being recruited for training in war industries. The legend beneath the picture indicated that those women would be sent from

Sydney to Killara, where they are to take a 3-week training course before being sent to positions where they are most needed. They were a confident-looking group of strong women, obviously happy to be making ready to help produce the goods that will help destroy the Axis hoodlums.

I believe, Mr. President, that total mobilization, a truly all-out war effort, would do for us in America what it is doing for our Allies. It would be almost certain to accomplish these things and more:

Put an end to the alleged coddling, pandering, pampering, or bundling of or among any group or groups of workers.

Automatically eliminate all strikes, walk-outs, and slow-downs.

Locate at once all trained, skilled, and semiskilled industrial men and women now scattered throughout the United States and place them at work in the thousands of war industrial plants so that we will have plenty of proper labor to operate every war plant in the Nation three shifts, 24 hours a day, and in most cases 7 days a week.

Men and women who cannot qualify to train for active service at the front will be put into training at once for war factory work so as to take the places of those who can fight on the front.

Place all of Uncle Sam's nieces and nephews on the home front on the same footing as regards war efforts and war sacrifices, including the relinquishing of any personal possessions or properties that might be needed for defense or for successful prosecution of the war.

Discover and bring into usefulness many latent talents among our people.

Establish a central clearing house for jobs for employables now out of employment, placing workers according to their peculiar talents or skills.

Minimize petty jealousies and dissensions between various groups of capital, commerce, industry, labor, agriculture, and so on.

Accelerate our production program to such an extent that we can do the job we have to do in much shorter time and thereby save perhaps millions of lives as well as billions of dollars.

Sound the death knell for a luxury-softened era of playboys and glamour girls. Rout and corral the lounge lizard, parasites, sons and daughters of the rich, and the politically powerful who may have tried or may yet try to escape their part in this war effort by pressure on draft boards, and the able-bodied clerks and employees of the county, city, State, and Federal agencies, whose places can be filled with women and men who, on account of age or physical defects, cannot fight on the front. We have over a million employees on the Federal pay rolls today. We could take from these rolls enough young men between the ages of 20 to 44, inclusive—and I am sure they are anxious to fight—to whip half the Japanese Army. Their places could be filled overnight by a million women and men not eligible for combative service—all anxious to get these jobs—and the work of the Federal Government would move smoothly and effectively along.

We would do away with profiteering by contractors and manufacturers. We would put practically all the labor racketeers in the front lines; and those who were left after examination we would put to work producing instead of consuming. Even John L. Lewis and William Green would be subject to the orders and commands of their Government—a democracy really at war. I am sure organized labor would wholeheartedly approve of total mobilization, because then there would be no reason to modify or repeal any of the rights of labor under the law for the duration of the war, and they would then know of a certainty that we meant to and would win the war, forever making safe the liberties and freedoms of this great country, where even the humble laboring man has the opportunity of a decent living for himself and his family. He would know that when we win this war it will bring freedom to his brother laborers throughout the world, for he knows that at this very moment half the world is in abject slavery under totalitarian taskmasters. Laborers are half starved, working long hours with no pay.

Serve notice on our enemies that we are a determined Nation of busy, patriotic Americans working and fighting in a common cause to wipe "totalitarianism" from the face of the earth.

Boost immeasurably the morale of the men in the armed forces by proving to them that while they fight for us in the lines we are fighting for them behind the lines with all our manpower, womanpower, and material resources.

Of course, there will be objections to this proposed total mobilization plan. Some of the objections will be inspired by selfishness. Certain persons will object on the alleged grounds that such a plan would give too much authority to our President and foster a dictatorship. It would do no such thing. In the first place, it would be only for the duration of the war, automatically repealed when the war is over, and could be repealed by a concurrent resolution by Congress—a resolution which would not require the President's signature—at any time during the war, should it prove ineffective or otherwise unworthy. In the second place, there cannot be such a thing as a dictatorship in this country, where our people have a regular system of elections whereby public officials have to go before the people and ask their permission to hold office. The President himself is elected by the sovereign voice of the people—than which there is no more powerful or more eloquent voice. By their votes the citizens of the United States choose their legislative representatives and their President. By the same token they select the Commander in Chief of their armed forces, because the President is the Commander in Chief. It would be impossible for President Roosevelt to become a dictator even if he so desired—which he most certainly does not—because his term expires at the end of 1944; and it will be the people's prerogative and inalienable right to say who shall be the next President.

In a dictatorship the men who are in control can be removed in only one way,

and that is by destroying them. This great difference between dictators in totalitarian countries and duly elected representatives of the people in a true democracy such as ours is one of the principal things we are fighting to preserve. We are very conscious of that difference, too, in these perilous times when our precious liberties and freedoms are at stake.

I honestly believe that complete mobilization is the best conceivable plan for making everybody in the country feel that he or she truly belongs in this great democracy of ours. I am sure it would be the most satisfactory means of making each and every person shoulder his or her share of the burdens of war for the preservation of a way of life which has conveyed so many blessings to so many people.

It does not take a prophet or the son of a prophet to know that integration, concentration, and coordination of all our talents and our material resources will be required to win this war. I reiterate that I am firmly convinced we can best accomplish this noble objective by a total mobilization of our people and our possessions. Prompted by this conviction, I am introducing a bill for passage by the Congress, to provide for complete mobilization of the people and the resources of the United States for our own national defense and for prosecution of the war, in the form of amendments to our Selective Training and Service Act of 1940.

I ask unanimous consent that the bill be printed in the *RECORD* at this point as a part of my remarks.

There being no objection, the bill (S. 2397) to provide for total mobilization of the people and resources of the United States for prosecution of the war, was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed in the *RECORD*, as follows:

*Be it enacted, etc.,* That the first section of the Selective Training and Service Act of 1940, as amended, is amended by adding at the end thereof the following new subsection:

"(d) The Congress further declares that the preservation of a free society is an end which justifies requiring the members thereof to perform for so long as may be necessary any type of work or duties which such members are capable of performing and which is most likely to contribute to the preservation of that society."

SEC. 2. Section 2 of such act, as amended, is amended to read as follows:

"SEC. 2. Except as otherwise provided in this act, it shall be the duty of every citizen of the United States, and of every other person residing in the United States, who, on the days fixed for the first or any subsequent registration, is 18 years of age or older to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder."

SEC. 3. Such act, as amended, is amended by adding at the end thereof the following new section:

"SEC. 19. (a) Every person required to register under the provisions of section 2 of this act, except persons of the classes referred to in sections 5 (c) (1) and 5 (d), shall be liable, during the continuance of any of the wars in which the United States

is engaged on the date of the enactment of the Total Mobilization Act, to perform any work of a civilian nature or any duties relating to home defense which the President may deem appropriate, including work as a self-employer, as an employee of the Government or any department or agency thereof, or as an employee of any other person, or of any firm, corporation, or other business organization. The President is authorized from time to time to order any such person or persons to perform any work or duties which he is liable to perform under this section; and the President is further authorized to fix the terms and conditions upon which such work or duties shall be performed and to prescribe the compensation to be paid therefor. The compensation of any such person who is ordered by the President to perform work or duties for the Government or any department or agency thereof shall be paid by the United States and the compensation of any person who is ordered by the President to perform work or duties for any other person or for any firm, corporation, or other business organization shall be paid by such other person, firm, corporation, or business organization. The President is authorized to utilize the Selective Service System for the purpose of selecting persons for the performance of work and duties for which they are liable under this subsection, and to utilize such system and such other agencies of the Government as he deems appropriate for the purpose of assigning such persons to the work or duties they are ordered to perform and for the purpose of otherwise administering this act with respect to such persons.

"(b) Any person who willfully refuses or fails to perform any work or duties which he is liable to perform under the provisions of subsection (a) of this section and which he has been ordered by the President to perform shall, upon conviction thereof, be punished by imprisonment for not more than 5 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

"(c) The provisions of subsection (a) of this section shall be effective only (1) during the continuance of the wars in which the United States is engaged on the date of enactment of the Total Mobilization Act, or (2) until such earlier time as the Congress, by concurrent resolution, may designate; but no prosecution of any person for a violation of the provisions of subsection (b) of this section which occurred during the period of effectiveness of subsection (a) shall be barred by reason of the expiration of the period of effectiveness of such subsection (a)."

SEC. 4. The first section of the act entitled "An act to authorize the President of the United States to requisition property required for the defense of the United States," approved October 16, 1941, is amended to read as follows:

"That (a) whenever the President, during the continuance of any of the wars in which the United States is engaged on the date of the enactment of the Total Mobilization Act, determines that the use of any property of any nature whatsoever is needed for the defense of the United States or for the prosecution of such wars, he is authorized to requisition such property upon the payment of fair and just compensation therefor to be determined as hereinafter provided, and to use or dispose of such property in such manner as he may determine is necessary for the defense of the United States or the prosecution of such wars. The President shall determine the amount of the fair and just compensation to be paid for any property requisitioned and taken over pursuant to this act and the fair value of any property returned under section 2 of this act, but each such determination shall be made as of the time it is requisitioned or returned, as the case may be, in accordance with the provision for just compensation in the fifth amendment to the Constitution of

the United States. If, upon any such requisition of property, the person entitled to receive the amount so determined by the President as the fair and just compensation for the property is unwilling to accept the same as full and complete compensation for such property he shall be paid 50 percent of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code (U. S. C., 1934 ed., title 28, secs. 41 (20) and 250) for an additional amount which, when added to the amount so paid to him, he considers to be fair and just compensation for such property. Such courts shall also have power to determine in an appropriate proceeding any questions that may arise with respect to the amount of the fair value to be paid upon the return of any property under section 2 of this act, regardless of the amount in controversy in any such proceeding.

"(b) No power to requisition property conferred upon the President by this section shall be exercised by him after (1) the termination of the wars in which the United States is engaged on the date of enactment of the Total Mobilization Act, or (2) such earlier time as the Congress, by concurrent resolution, may designate."

Sec. 5. Section 2 of such act of October 16, 1941, is amended to read as follows:

"Sec. 2. Whenever the President determines that property acquired under this act and retained is no longer needed for the defense of the United States or for the prosecution of such wars, he shall, if the original owner desires the property and pays the fair value thereof, return such property to the owner."

Sec. 6. This act may be cited as the "Total Mobilization Act."

#### DEVELOPMENT OF ST. LAWRENCE WATERWAY

Mr. DAVIS. Mr. President, I have consistently opposed the proposal to build the St. Lawrence waterway. I am opposed to it now for all the reasons I have opposed it in the past. I am opposed to it for a number of other reasons which have become urgent since the beginning of our war effort.

We are told that we do not have enough steel for guns, tanks, planes, and battleships; and yet those who propose to build the St. Lawrence waterway are asking that vast quantities of steel be diverted from war production to undertake a project that cannot possibly be completed for 5 or 6 years.

We are told that we do not have enough rubber to enable citizens to keep their automobiles in operation; and yet the advocates of the St. Lawrence waterway propose to use truck service to haul materials to the site of this vast building project.

We are told that we lack skilled workers, engineers, and mechanics to win the war; and yet the advocates of the St. Lawrence waterway propose to divert numbers of these necessary production experts to a task not now required of us.

We are told that we must double and triple our tax rates and buy large additional amounts of Defense bonds to win the war; and yet those who advocate the building of the St. Lawrence waterway want to add to a tax burden already great beyond the mind of man to understand.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks an article from the

Harrisburg Patriot of March 10, 1942, entitled "Threat to Pennsylvania." It refers to the threat of the St. Lawrence waterway to the economic life of Pennsylvania.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Harrisburg (Pa.) Patriot of March 10, 1942]

#### THREAT TO PENNSYLVANIA

Despite Nation-wide protest, "pork-barrel" legislation at Washington still includes public funds for the extravagant and wasteful St. Lawrence waterway.

Camouflaged as a defense and navigation proposal, it is essentially another Federal hydroelectric project and, as such, threatens one of Pennsylvania's great bulwarks, the coal industry and all its dependents.

Should Congress finally approve the St. Lawrence project, not only would many millions of tax dollars be taken from the American people for a job that would be years in building, but afterward and for endless years many millions of dollars would be taken from the operators and miners of coal because of the substitution of water for steam in the generation of electricity. Furthermore, it would cut into the supply of materials urgently needed for war.

So incalculable is likely to be the loss suffered by Pennsylvania from this fantastic and uneconomic Federal program that selfish as well as patriotic interest suggests an all-Pennsylvania effort to eliminate it. The threat to the State's welfare and one of its basic industries is so real that the full extent of it should be ascertained by expert investigation.

To this end Governor James would be justified in summoning a nonpartisan conference of capable Pennsylvanians, who could plan the raising of sufficient funds to employ experts and engineers to study the paralyzing effects not only on the mining industry but the railroads of this State, once the generation of power on the St. Lawrence starts competing with power generated by steam from Pennsylvania coal.

Such a study would reveal to what extent steam-generated power is more economic than power from the costly installation of dams and other works on the St. Lawrence. It could find to what extent the coal mines of the State would be crippled and the loss of coal tonnage the railroads would suffer if coal now or to be used later in the generation of electric power loses its present and potential markets.

The findings of such a conference would make hard-hitting ammunition for Pennsylvania's United States Senators and Congressmen in smashing the St. Lawrence project in Washington. Certainly these representatives of the people can offer no excuse against doing their utmost to protect the welfare of their home State.

Federal projects like the St. Lawrence inflict double punishment on such coal-producing States as Pennsylvania. Not only are the taxes of Pennsylvania used to build such projects, but later through competition with water power, the dollars of investment, capital, wages, railroad rates involved in the mining and transportation of coal, are impaired.

As has been said repeatedly, if the Federal Government has concern for the welfare of Pennsylvanians, it will nurse rather than curse the ailing coal industry of this State. Instead of suffocating mining, it would stimulate it, revitalize the stricken coal districts, create more jobs for idle miners, supply tonnage for railroads with corresponding increases in jobs and in mercantile and other sales throughout the State.

Pennsylvania ought not sit dumb before this threat to its welfare. It need not. With the findings of an expert commission, Penn-

sylvania can go to Washington and "spike" the St. Lawrence waterway for the unwise, ill-timed, discredited fantasy its dreamers have made of it.

One reason Governor James called the legislature in special session was to consider war-time emergencies. The threat to Pennsylvania in the St. Lawrence waterway is a wartime as well as peacetime danger. The legislature could recognize and meet it with appropriate action.

#### ALLEN RUHLMAN AND JOHN P. RUHLMAN—CONFERENCE REPORT

Mr. BROWN. I submit two conference reports and ask for their immediate consideration.

Mr. DANAHER. What are the bills, please?

Mr. BROWN. They are conference reports on two claims bills, which I should like to have now considered. I first submit the conference report on House bill 5473.

The VICE PRESIDENT. The conference report will be read.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5473) for the relief of Allene Ruhlman and John P. Ruhlman, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the figures "\$2,721" insert "\$4,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the figures "\$1,185" insert "\$2,185"; and the Senate agree to the same.

PRENTISS M. BROWN,  
JAMES M. TUNNELL,  
ARTHUR CAPPER,

Managers on the part of the Senate.

DAN R. McGEHEE,  
EUGENE J. KEOGH,  
THOMAS WINTER,

Managers on the part of the House.

Mr. BROWN. I ask unanimous consent for the immediate consideration of the conference report and move its adoption.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the conference report was considered and agreed to.

#### HARRY KAHN—CONFERENCE REPORT

Mr. BROWN. I submit a conference report on House bill 4665 and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The conference report will be read.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4665) for the relief of Harry Kahn, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and

agree to the same with an amendment, as follows:

In lieu of the figures "\$2,500" insert "\$3,000"; and the Senate agree to the same.

PRENTISS M. BROWN,  
ALLEN J. ELLENDER,  
ARTHUR CAPPER,

*Managers on the part of the Senate.*

DAN R. McGEHEE,  
EUGENE J. KEOGH,  
THOMAS WINTER,

*Managers on the part of the House.*

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the conference report was considered and agreed to.

SENATOR FROM NORTH DAKOTA

The Senate resumed consideration of the resolution (S. Res. 220), which is as follows:

*Resolved*, That the case of WILLIAM LANGER does not fall within the Constitutional provisions for expulsion or any punishment by two-thirds vote, because Senator LANGER is neither charged with nor proven to have committed disorderly behavior during his membership in the Senate.

*Resolved*, That WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota.

Mr. OVERTON. Mr. President, I offer an amendment in the nature of a substitute to Senate Resolution 220, which is now pending before the Senate, and ask unanimous consent to have the clerk read it for the information of the Senate.

The VICE PRESIDENT. The clerk will read for the information of the Senate the amendment in the nature of a substitute submitted by the Senator from Louisiana.

The CHIEF CLERK. It is proposed to strike out all after the word "*Resolved*" and in lieu thereof to insert the following:

That since it appears that WILLIAM LANGER has been duly elected a Senator of the United States from the State of North Dakota, and that the returns of such election and the credentials submitted to the Senate by the said WILLIAM LANGER are valid, and since it further appears that the said WILLIAM LANGER has attained the age of 30 years, has been 9 years a citizen of the United States, and was, when elected, an inhabitant of the State of North Dakota, the said WILLIAM LANGER cannot, by majority vote, be excluded from, or deprived of, a seat in the Senate of the United States.

Mr. OVERTON. Mr. President, I desire to state that the amendment in the nature of a substitute, which I offer, represents the views which I undertook to express last Friday in my argument on the pending resolution.

The VICE PRESIDENT. Does the Senator desire to have the amendment lie on the table?

Mr. OVERTON. No; I offer it now as an amendment in the nature of a substitute for the pending resolution.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Louisiana [Mr. OVERTON] in the nature of a substitute for Senate Resolution 220.

Mr. GREEN. Mr. President, this morning the Committee on Privileges

and Elections held a meeting and requested me in its behalf to propose an amendment to Resolution No. 220, declaring WILLIAM LANGER not entitled to be a United States Senator from the State of North Dakota.

The amendment consists in striking out lines 1 to 5, inclusive, and in lieu thereof to insert the following:

*Resolved*, That the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion by a two-thirds vote.

Furthermore, I was instructed by the committee to ask that under rule XVIII of the Rules of the Senate the two propositions contained in Senate Resolution No. 220 be divided.

The VICE PRESIDENT. The request will be granted, under the rule.

Mr. GREEN. Furthermore, in view of the debate hitherto and in connection therewith, I have received from John Moses, Governor of North Dakota, a telegram which I ask to have read by the clerk, together with a copy of a letter which Governor Moses sent to the former chairman of the Committee on Privileges and Elections, dated November 26, 1941, to which reference is made in the telegram.

The VICE PRESIDENT. The telegram will be read.

The legislative clerk read as follows:

BISMARCK, N. DAK., March 22, 1942.  
Senator THEODORE FRANCIS GREEN,  
Chairman, Senate Committee on  
Privileges and Elections,

Washington, D. C.:

My attention has been called to certain statements made on the floor by Senator MURDOCK in connection with Langer hearings, involving me as Governor of North Dakota. After the closing of the committee hearings I was advised of certain statements made by Attorney Francis Murphy to the effect that I, as Governor, had continued dealing with Brewer. There being then no opportunity to put testimony in the record, I wrote the chairman, Senator HATCH, at length concerning the matter. Request that letter be placed before the committee with the view to presenting it to the Senate in answer to Senator MURDOCK's statements.

JOHN MOSES, Governor.

The VICE PRESIDENT. Does the Senator from Rhode Island also wish to have the letter read?

Mr. GREEN. I think it should be read in compliance with the request of Governor Moses, since his name has been brought into the discussion.

The VICE PRESIDENT. The letter will be read as requested.

The legislative clerk read as follows:

STATE OF NORTH DAKOTA,  
OFFICE OF THE GOVERNOR,  
Bismarck, November 26, 1941.

HON. CARL A. HATCH,  
Chairman, Committee on  
Privileges and Elections,  
United States Senate,  
Washington, D. C.

DEAR SENATOR HATCH: I have purposely avoided taking any part in the proceedings involving the seating of WILLIAM LANGER as Senator from North Dakota. I have for many years opposed Mr. LANGER politically. I belong to a different party. If he were denied a seat, the duty would devolve upon me to fill the vacancy. In view of these circumstances, it appeared proper that I avoid any part in the controversy to make

certain that my personal feelings did not color my official action.

However, the argument advanced before your committee by counsel for Mr. LANGER makes it necessary for me to place before you certain facts. I decline to be placed in the position of having in any manner sanctioned or condoned Mr. LANGER's methods while Governor of this State.

In the course of his argument (p. 1998 of transcript) counsel said:

"The undisputed evidence shows here that he (Moses) consents to the employment of this man Brewer, in 1941, as the fiscal agent of the State. Now, how do you reconcile that, gentlemen, down here in Washington? How do you reconcile the conduct of the Governor of the State of North Dakota, whom everybody admits is a political enemy of Governor LANGER, with the idea of any belief on his part as Governor, that there was any fraud connected with the bond transactions."

This statement, apparently, is based upon the testimony of Mr. Brewer and Mr. Brunk. A thorough study of the testimony discloses no other possible basis for it. In volume 3, at page 399 of the transcript I find that Mr. Brewer testified as follows:

"Question. Mr. Brewer, sometime during this year or the year 1940 did the Industrial Commission authorize the designation of a fiscal agent of the State to handle securities?"

"Answer. Yes, sir.

"Question. Who was designated as such fiscal agent under that authorization?"

"Answer. I was

"Question. And you are now fiscal agent under that designation?"

"Answer. Under that designation; that designation has never been repealed as far as I know."

At page 1843 of the transcript Mr. Brunk testified:

"The Governor of North Dakota (referring to myself) introduced a resolution which named this man Brewer fiscal agent of the State to prepare a similar plan for refunding the State debt."

The argument of counsel is certainly not justified by the documentary evidence which was placed in the record, and the testimony of Mr. Brewer and Mr. Brunk is absolutely contrary to the facts. Mr. Brewer was never employed as fiscal agent of the State. I never consented to his employment in that capacity or in any other capacity.

The resolution adopted by the Industrial Commission on July 11, 1941, upon motion of Mr. Strutz, and a copy of which was placed in your record, provides:

"Be it resolved by the Industrial Commission of the State of North Dakota, That the Bank of North Dakota, as fiscal agent, be, and it is hereby, authorized to cause to be prepared a comprehensive plan for the refunding of the debt of the State of North Dakota; be it further

"Resolved, That the Bank of North Dakota be, and it is hereby, authorized to employ such legal and financial assistance as it may deem advisable in the preparation of said plan to enable the State to refinance this indebtedness."

You will note that the Bank of North Dakota, not Mr. Brewer, is designated as fiscal agent of the State, and that it was the Bank of North Dakota and not Mr. Brewer which was directed to prepare a refinancing plan. It is apparently true that F. A. Vogel, the manager of the Bank of North Dakota, did have the assistance of Mr. Brewer in preparing the plan which was later submitted to the Industrial Commission by the bank of North Dakota, but he did not consult with nor have the approval of the Industrial Commission nor of myself as Governor of North Dakota in employing Mr. Brewer in this connection.

Perhaps I should explain that the Bank of North Dakota is a State owned and operated

agency of the State; that it is governed by the industrial commission, composed since 1939 of Math Dahl, commissioner of agriculture and labor; Alvin C. Strutz, attorney general; and myself, as Governor. The active management of the bank is in the hands of a manager appointed by the commission. Mr. Vogel, the manager, is not an appointee of mine, but has held over since the preceding administration.

When the refinancing plan was presented by Mr. Vogel it was not approved either by myself nor by the commission. On the contrary, and on January 27, 1941, upon motion of Mr. Dahl, it was resolved that "the industrial commission go on record as favoring submission to the Legislative Assembly of North Dakota now in session of the matter of refinancing the State's bond indebtedness as set forth in the proposed special message aforesaid (referring to the Governor's message), including the two refinancing proposals thus far in the hands of the industrial commission, to wit: (1) the so-called first plan, submitted by the Bank of North Dakota, and (2) the so-called second plan, submitted by the Charles T. Fuller Co. and Ballman & Main, together with any other and further refinancing proposals from whomsoever submitted which may come to the attention of the industrial commission."

Upon my recommendation the legislature provided for the refinancing through State agencies of certain early maturities without payment of commissions to any bond brokers, and it declined to approve either of the refinancing plans submitted to it.

There would seem to be no reason whatsoever why Mr. Brewer or Mr. Brunk should be laboring under any misapprehension as to the facts. This matter was very definitely clarified at the time the two plans were submitted to the legislature. After the second refinancing plan was submitted to the industrial commission, it developed that someone associated with Mr. Brewer complained to Ballman & Main, one of the sponsors, that it was unethical to submit a plan because the State of North Dakota had already entered into a contractual relationship with Mr. Brewer. Thereupon the Chicago brokers asked to withdraw their proposal. When it came to my attention that a claim was being asserted that Mr. Brewer had some contractual relationship, I called on Mr. Vogel and he assured me that he had not entered into any such relationship, and, of course, I knew that the industrial commission had not done so. Thereupon I issued a public statement, as follows:

"Mr. Main declared in his letter asking to withdraw from participation in the plan that it was reported to his company that there was some contractual relationship between the Bank of North Dakota, the industrial commission, and proponents of the other plan. Mr. Main further said that until the other (bank) plan was accepted or rejected, he felt it was not ethical that another plan be offered and that he was ignorant that the bank plan had been submitted already."

"The industrial commission will advise Mr. Main that his offer to withdraw will not be accepted, as there has been no contract entered into with proponents of any plan."

"Mr. Vogel appeared before the industrial commission and when questioned as to whether or not the Bank of North Dakota had entered into any contract with Brewer & Co. he said 'No.'"

"Mr. Vogel said that he had corresponded with Brewer & Co. and had advised them to submit a proposal at its expense, and he said in no manner was any contract entered into."

That statement has never been challenged by Mr. Brewer or Mr. Brunk or Mr. Vogel. The present attempt to distort the facts is somewhat less than candid.

In view of the letter written by Mr. Vogel to Brewer & Co. on July 11, 1940, there may arise a question as to whether or not Mr. Vogel

and Mr. Brewer were attempting to give Mr. Brewer some prior position in connection with the proposed refinancing of State indebtedness. If so, it was done entirely without the knowledge or consent of myself or the Industrial Commission.

Counsel further said:

"He (Mr. Brewer) kept right on doing business in 1940 in the State of North Dakota and made a large sum of money, I think the testimony shows something like \$100,000 during the year 1940."

While the statement does not say it directly, it infers that Mr. Brewer made this profit from doing business with State agencies; the same as he had in 1937 and 1938. That inference is not borne out by the testimony presented to the committee. The only evidence bearing on the subject which I have been able to find appears on page 1911 where Mr. Brunk testified that the "gross deposits" of V. W. Brewer Co. in 1940 were \$96,684.57. There is, apparently, nothing to show how much of these gross deposits represented profits nor is there, apparently, anything to show how much of the profits came out of North Dakota business and how much came out of other business. It does appear that in 1939 Mr. Brewer started doing considerable business in South Dakota.

In this connection the testimony of Mr. Brunk appearing at page 503 of the transcript may be enlightening. He said:

"I think there were some bonds delivered later to institutions in North Dakota when Governor Moses was Governor and that the name Brewer had achieved so much distaste up there that he preferred they be delivered in another name, and I think Shambaugh was a dummy in that transaction."

I assume Mr. Brunk meant that Mr. Brewer preferred to have the bonds delivered through a dummy. Certainly, I knew nothing about it and of course it is impossible for me to say just how much business has been transacted by Mr. Brewer through the use of dummies with the various State agencies which are still controlled by political associates of Mr. Langer. But the admission that the name of Brewer had achieved so much distaste that the use of dummies was necessary is hardly compatible with the suggestion that he was selected as fiscal agent for the State.

Counsel also argued at page 1997 of the transcript:

"Three years have elapsed, approximately, since Governor Moses has been in there, and he never has at any time taken one single, solitary step indicating that he believes that there is any evidence whatever of any fraud on the part of Governor Langer in his official capacity. Now, that is very significant, because, obviously, if Governor Moses and his investigators could have found one particle of evidence that they considered sufficient to justify either a civil or criminal prosecution it would have taken place long ago."

In this connection may I say that not until the investigation of this matter by the special investigators for the Senate were all the facts brought to light. The special State examiner appointed by me did develop the fact that during 1937-38 many North Dakota counties had been unable to sell their bonds direct to the State agencies, but that these same bonds could be and were sold to these same State agencies by Mr. Brewer, and that through this system Mr. Brewer had made a profit of nearly \$200,000 in less than 2 years' time. But, unfortunately, neither the special State examiner nor any other official of North Dakota had authority to go into Iowa and compel Mr. Brewer or Mr. Brunk to open up their books or to open up the books of the Realty Holding Co., an Iowa corporation. Hence it was not until the Senate investigators, with ample power for that purpose, were able to investigate those books was it revealed that during the period when Brewer was making these large profits on bond deals his associate was using a share of these profits to

purchase large tracts of land from Governor Langer at excessive prices.

I do not undertake to pass judgment. That is the function of the United States Senate. But, in view of the implications of the argument advanced by Mr. Langer's counsel, I think it is only fair to this committee, to myself, and to the people of North Dakota to say that neither I nor they approve the action of any Governor in accepting financial favors from those who are dealing with the State and making large profits out of apparent favoritism.

It is true that during my campaign for Governor I promised to investigate these bond transactions. It is true that I appointed a special State examiner for that, among other, purposes. It is also true that I requested an appropriation from the 1939 legislature to conduct an efficient investigation and this request was denied by the house of representatives, dominated by adherents of Mr. Langer. The investigation I was able to make was handicapped by lack of funds, as well as by lack of sufficient authority in compelling the production of evidence. Not only was it impossible to compel the production of the Brunk books, but it was likewise impossible to compel T. V. Sullivan to disclose his relationship with the matter of railroad taxes or his purchase of Mexican land stock from Mr. Langer. The 1941 legislative assembly created the office of special investigating commissioner, made an appropriation for him, and gave him ample authority to secure evidence within the State. Of course, he, too, is handicapped when, as in so many transactions covered by the Senate investigators, the trail leads to other States. The action of the legislature in making this appropriation and my direction of further investigations pursuant to that authority imply quite an opposite conclusion from that of approval as is suggested by counsel.

Sincerely yours,

JOHN MOSES,  
Governor.

Mr. GREEN. Mr. President—  
Mr. MURDOCK. Mr. President, will the Senator from Rhode Island yield to me?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Utah?

Mr. GREEN. I will conclude in a moment.

Mr. MURDOCK. I should like the Senator to yield to me before he takes his seat.

Mr. GREEN. I will.

Mr. President, I simply wish to add that the letter written by Governor Moses came to the committee after its hearings were closed, and, for that reason, does not appear as a part of its record.

I now yield to the Senator from Utah.

Mr. MURDOCK. If I remember correctly, the letter which has just been read to the Senate, and which, of course, constitutes an argument by the Governor of North Dakota on the evidence in the Langer case, was called to the attention of the committee by the Senator from New Mexico [Mr. HATCH], and a discussion was had before the committee whether it was proper to let the letter go into the record. If I remember aright the action of the committee, it was that because of the fact that the Governor had not presented himself for interrogation or cross-questioning, it would be highly improper, after our hearings were closed, to make that letter, which, as I have said, is obviously an

argument, a part of the record. So, if I remember correctly, the action of the committee was that the letter should be excluded. It now seems that in his telegram to the Senate with reference to statements made by me he again asks that his letter become a part of the record, as I understand. The only statement I made with reference to Governor Moses, and the employment of Brewer, is supported by the evidence of Mr. Brunk, to which he refers. I do not think I claimed, and if I did certainly it was not intentional, that Mr. Brewer was ever employed as fiscal agent. I did claim, on the evidence of Mr. Brunk, that the power to employ someone to present a refinancing plan to the State was delegated to the Bank of North Dakota, and that the Bank of North Dakota employed Brewer to submit a financing plan. I do not know that they employed him, but at least they arranged with him.

I inquire of the Senator from Rhode Island if what I have stated is not what happened before the committee with reference to this letter?

Mr. GREEN. As I stated before, the letter did not reach the committee until after its hearings were closed.

Mr. MURDOCK. That is true.

Mr. GREEN. And for that reason, as I understood, it was decided, after the matter was discussed, that nothing that was offered after the hearings were closed should be made a part of the records of the committee.

I do not know whether the exceptions taken by Governor Moses to what was said on the floor of the Senate are justified. I do know that the Governor of North Dakota has assumed that he should reply, and because of his request, I offered his letter.

Mr. MURDOCK. Mr. President, it seems to me that if we are to allow the Governor of North Dakota to come in, by way of a letter, and make an argument in this case, certainly in fairness and justice to the Senate and to Senator Langer the hearings should be reopened and Governor Moses should be requested to present himself and give the attorneys for Senator Langer an opportunity to cross-examine him. To allow this kind of ex parte argument on the part of Governor Moses in a matter pending before the Senate is highly prejudicial, and I think unfair. I think the statements I made about what happened were absolutely taken from the record and from no other place.

Mr. McNARY. Mr. President, I am amazed at the display of feeling by the chairman of the Committee on Privileges and Elections against one who has a seat in the Senate. I had assumed that this case would be tried on its merits, and fairly. It seems that some fail to take the attitude of jurors in the case but desire to prosecute.

Here we have exhibited a letter written in November of last year, which the Senator from New Mexico [Mr. Hatch] himself, in all fairness, thought should not be introduced into the record. It appears here today after the testimony was closed, after the case had practically been submitted to the Members of the Senate. It is not a statement from the Governor, it is a brief by the Governor,

attempting to place his own analysis on the testimony which was submitted to the committee.

No opportunity was given to Senator Langer or the Senator's counsel to cross-examine the Governor. The letter was withheld from the evidence. It appears here when no opportunity has been given to anyone to study the proposition, to answer the brief—it is not a letter—or to go before the committee.

I am surprised that the chairman of the committee did not first have this letter referred to the committee. I am amazed that the chairman of the committee should attempt to introduce into this case evidence of this kind and in this fashion. It does not square itself with common fairness. I appeal to those who wish to give Senator Langer a fair trial, a fair hearing, that testimony and a brief of this kind, which was formulated in November of last year and which was rejected by the committee because it came after the hearings were closed, should not be read at the desk without reference to the committee.

Had I been present when consent was asked I would have objected to its being read, because it is not competent, it is not fair, and really, in my opinion, casts a cloud upon the chairman of the committee who attempts to influence Senators who should be jurors in a case of this kind.

Mr. LUCAS. Mr. President, the chairman of the Committee on Privileges and Elections has apparently left the Chamber. I shall undertake to reply to the able Senator from Oregon by calling his attention to page 2764 of the CONGRESSIONAL RECORD of Friday last. Before so doing, let me say that I have not read the telegram signed by Governor Moses to which he has referred, and I am not certain I know its exact purport. I ask unanimous consent that the telegram be reread for my information.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The legislative clerk again read the telegram, as follows:

MARCH 23, 1942.

Senator THEODORE FRANCIS GREEN,  
Chairman, Senate Committee on  
Privileges and Elections,

Washington, D. C.:

My attention has been called to certain statements made on the floor by Senator MURDOCK in connection with Langer hearings, involving me as Governor of North Dakota. After the closing of the committee hearings I was advised of certain statements made by Attorney Francis Murphy to the effect that I, as Governor, had continued dealing with Brewer. There being then no opportunity to put testimony in the record, I wrote the chairman, Senator HATCH, at length concerning the matter. Request that letter be placed before the committee with the view to presenting it to the Senate in answer to Senator MURDOCK's statements.

JOHN MOSES, Governor.

Mr. LUCAS. Mr. President, I was not present in the Senate Chamber on Friday last when there occurred what I am about to call to the attention of the Senate, or I should probably have taken the same position the very able minority leader takes at this moment with respect to the matter written by Governor Moses which has just been read by the clerk.

However, the first information outside and beyond that appearing at the hearings was put into the record by those defending the respondent and not from the majority of the Senate Committee on Privileges and Elections or any member thereof. I refer to the time when the Senator from Utah [Mr. MURDOCK] on Friday last was discussing Mr. Vogel as the head of the State Bank of North Dakota. The able Senator from Utah [Mr. MURDOCK] was so overzealous in seeing that Mr. Vogel, Langer's political, business, and social companion of many years, be given a clean bill of health, that he read into the record a newspaper article dated February 6, 1940, containing the headline "Moses lauds bank record." The Senator from Utah said:

Now, as to what Governor Moses thinks of Mr. Vogel, I wish to refer to a statement in a newspaper under an "AP" heading and under the date line "Bismarck, N. Dak." In large headlines are the words "Moses lauds bank record."

This is the article:

Gov. John Moses, Monday, complimented Frank Vogel, manager of the Bank of North Dakota, upon the economy shown in the expenses of handling the banking and the collection and land departments.

The bank filed with the Governor its report of expenditures for the first 6 months of the present biennium, July 1 to December 31, 1939.

The report shows the legislative appropriation for expenses in running the banking department for the biennium was \$233,132, while for the collection and land department it was \$360,316. Although the legislature appropriates the money, it must come from earnings of the bank and the collection and land department.

Then the Senator from Utah further said:

Further down in heavier type I read from the same article:

"I have no doubt," the Governor continued, "that during the winter months the bank will be able to dispense with some of the field men and that the travel of the field men will be greatly reduced, resulting in further reductions."

Then in quotation marks:

"I am sorry that other State departments have not found it possible to effect the reductions which the bank has put into practice during the past 6 months of the biennium."

Mr. President, there is a direct quotation from a newspaper article. I do not say the Senator read it in the same sense with which the Senator from Oregon charges the committee with proceeding. I think the Senator from Utah probably thought he had a right to put that statement into the RECORD. But when we find statements as late as Friday last being inserted in the RECORD, as a part of respondent's defense, then I submit with all the candor and fairness I possess that we have a right to have the Moses letter inserted. The newspaper article can only be construed as something that would help the respondent by using the present Governor of North Dakota as his witness. Surely under such circumstances Governor Moses' letter was proper as a reply.

If newspaper articles of this kind were going to be read into the record after this case was closed, the Governor had the right to renew his request that the

letter which came some time ago to Senator HATCH after the hearings had been closed also be read into the record.

Mr. President, I regret that my very able friend, the minority leader, the Senator from Oregon [Mr. McNARY], has seen fit to charge the committee with prosecution and persecution.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. McNARY. I did not mention the committee's name. I stated I thought it was irregular, and unfair for the chairman of the committee, to offer this testimony after the case had been closed. I have never criticized the committee. I have never criticized the able Senator from Illinois. I think he has acted very fairly and judiciously in this matter. But this is a practice which I do not think the Senator from Illinois favors at all or thinks is fair, in his honest, good judgment.

Mr. LUCAS. Mr. President, I am in absolute accord with the position taken by the Senator from Oregon in that respect, and I say to the Senator again that had I been present at the time I probably would have objected to the reading into the record of any articles appearing in newspapers.

Mr. President, I submit that was unfair. If we are going to let down the bars and permit this sort of ex parte testimony on the one side to be admitted after the hearing is over, it seems to me that we have a right to do the same thing without being subjected to severe criticism.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. LUCAS. I yield the floor.

Mr. MURDOCK. Mr. President, when the other day I read to the Senate the article to which the Senator from Illinois refers, I believe the RECORD will show that I first called the Senate's attention to the fact that it was not a part of the record. If I remember correctly, the Senator from Vermont [Mr. AUSTIN] was sitting in his seat at the time, and I said that the reason I called the Senate's attention to this article was that the Senator from Vermont on the previous day, through certain reasoning, as he explained it, inferred that there was some reason why Mr. Vogel had not been removed; probably because of the fact that a majority of the Industrial Commission of North Dakota was so favorable to Senator LANGER. If there had been the slightest objection from anyone at the time I called the Senate's attention to the newspaper article I certainly would not have insisted upon reading it. Does the Senator from Illinois entertain the view that my position in the United States Senate is the same as that of the Governor of North Dakota? Here is a letter read to the Senate, a letter which was considered by the members of the committee at the time it was received as being improper to go into the record. I wonder if the Senator from Illinois would place an argument made by the Governor who would appoint the successor to Senator LANGER in the same category as a newspaper article made public in the State

of North Dakota quoting the Governor of North Dakota?

Mr. LUCAS. All I shall say in answer to the very able Senator from Utah is that he is the first Senator who let down the bars by introducing a newspaper article which attempted to bolster his case in connection with the argument he was making. No line of demarcation can fairly be drawn in connection with a matter of this kind once we leave the hearings upon which the reports are based.

Candidly, I do not like the attitude of some Members of the Senate who feel that we on this side who are attempting to do our duty in this case, as we understand it, are attempting to do something wrong all the time. I agree with the impropriety of a thing of this kind going in, but, in my humble opinion, Governor Moses sent the telegram as a result of what he saw in this newspaper article.

Mr. MURDOCK. Mr. President, I ask if there is anything in Governor Moses' letter which referred to my statement or the statement contained in the newspaper article?

Mr. LUCAS. Whether there is or not, the Senate has the right to draw the inference that he certainly must have been thinking about something he read in connection with this case.

Mr. MURDOCK. Certainly.

Mr. LUCAS. It goes further—

Mr. MURDOCK. I refuse to yield further at this time. He was thinking, of course, of the statements in the record which he criticizes in his letter and which were referred to by counsel for Mr. LANGER in his argument to the committee, or of similar statements made by me which were based on the record itself. He does not refer in his letter at all to the statement contained in the newspaper clipping.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. MURDOCK. I do not yield further at this time.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. MURDOCK. I yield.

Mr. McNARY. Should not the Senator who asked that the telegram and letter from the Governor of North Dakota be read at the desk have exercised as much discretion and fairness as did the former chairman of the committee [Mr. HATCH] in respect to that letter?

Mr. MURDOCK. I do not believe that any proper comparison can be made between the reading of the letter from Governor Moses and a Senator on this floor calling attention to the fact that he was reading from a newspaper article which was outside the record. If the Senator from Illinois can justify what has happened in connection with Governor Moses' letter by the fact that I read a newspaper article the other day, then I simply do not understand the Senator from Illinois.

I now yield the floor.

Mr. LUCAS. The Senator from Utah will probably never understand the Senator from Illinois. He certainly has not understood him throughout this case—and to that I make no objection. We do

not understand one another insofar as the fundamentals of the Langer case are concerned. The only point I wish to leave with the Senate before I take my seat is that the Senator from Utah, who has been handling the defense of this matter throughout, was the first individual who violated the propriety of the rule in submitting the newspaper article.

Mr. MURDOCK. Of course, anyone could have objected to it.

Mr. LUCAS. But the same situation arose a while ago; anyone who wanted to could have objected to the reading of the letter from Governor Moses. The Senator from Oregon said that had he been present he would have objected to it. Nevertheless, no objection was made. The point I make is that once you start the violation of the rule you cannot tell the opposition just what they can put in and what they can leave out.

Mr. MURDOCK. Does the Senator accuse me of violating any rule of the Senate in reading a newspaper article?

Mr. LUCAS. Not in the sense in which the Senator is now speaking. The Senator can read from now on until doomsday.

Mr. MURDOCK. Then why accuse me of violating the rule?

Mr. LUCAS. The only thing the Senator from Oregon [Mr. McNARY] and I have been talking about is that the evidence is closed.

Mr. MURDOCK. Yes; the evidence is closed, but my argument was not closed.

Mr. LUCAS. No; the Senator's argument is not closed yet.

Mr. MURDOCK. Of course not.

Mr. LUCAS. But the Senator from Oregon and I are taking the position that none of these outside matters which were not disclosed before the committee should be read into an argument or given to the Senate for its deliberations. I simply wish to state that those who violated that proposition in the first instance were not the majority members of the committee who are supposed to be persecuting and prosecuting the Senator from North Dakota.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MURDOCK. I think the majority of the Senator's argument was made based on the "grab bag" instead of what is in the printed record.

Mr. LUCAS. The Senator is at liberty to believe anything about me he wishes. My duty is plain. I have performed it to my own satisfaction.

Mr. TUNNELL. Mr. President, I was one of those, perhaps unfortunate Senators, who were members of the Committee on Privileges and Elections, to which was referred the Langer case. I assumed that the Senate was anxious that there be an investigation of the serious charges which had been made.

When the Senator from Illinois [Mr. LUCAS] began to prepare his report as chairman of the subcommittee and as a member of the committee it soon became very apparent that, so far as many Senators were concerned, the Committee on Privileges and Elections was certainly under suspicion. It was very clear that the subcommittee was in a very bad way;

and, so far as the Senator from Illinois was concerned, all that seemed to remain was that he should be sentenced. I have never seen such a spirit of animosity toward the report of a committee as has been shown in this particular case.

We were instructed to investigate this situation. There have been what appear to the average mind to be many instances of criminality. The first reply, which was made by the Senator from Utah [Mr. MURDOCK] is that even though there were such cases the Constitution prohibits their consideration by the Senate. In other words, as I understand the arguments of those who are defending the record of Governor LINGER, the Senate has no power to consider moral turpitude.

I think perhaps there is some reason back of this dissent. I have heard Senators in their enthusiasm insist that we have no right, in considering moral turpitude, to go back of the election at which a man was elected. I think the provision in the Constitution has been a little annoying to those who have taken that attitude. The Constitution states in unequivocal language that the Senate is to be the judge of the qualifications of its Members. If it is not the judge, then the Constitution should be changed. If it is the judge, then the committee has done no wrong in considering the alleged acts of moral turpitude.

I have no doubt that jury tampering, interference with the court, and the bribing of a Governor are acts of moral turpitude; and I have no doubt that those are acts which can be and should be considered by the Senate.

Oh, we are told with great gusto that the State of North Dakota alone has the right to consider the qualifications of Governor LINGER or any other man it sends to the Senate. The contention is made that the United States Senate, or the United States itself, with perhaps a thousand times the interest which North Dakota has, shall have nothing to say about the qualifications of any man seated in the Senate.

On the question of moral turpitude Senators rushed into the Senate chamber in relays. One Senator suggested that the things which are considered moral turpitude are a matter of geography. Another Senator said to me that we from the effete East could not understand just what this situation meant. I do not know. I have the idea that moral turpitude is moral turpitude in North Dakota, Delaware, or any other State of the Union; and that moral turpitude is moral turpitude in the Senate of the United States.

Another Senator suggested that there were certain organizations in the West known as vigilantes, impliedly suggesting that Governor LINGER was a vigilante, and that the acts which he performed, even though criminal, should be considered less so because of the location.

I do not think anybody claims that in the various matters which have been discussed, and which I shall also discuss, Governor LINGER was attempting to uphold law and order. If guilty, he was trying to destroy law and order. If not guilty, that is another question; but that

is one of the things which the Senate is now to consider.

I am of the opinion that under the Constitution the United States Senate has broad powers in determining whether persons who are sent to the Senate come free from moral turpitude. I know that there are those who sneer at the efforts of the committee. I know that there are those who think the Committee on Privileges and Elections has gone far beyond its authority, particularly when it considers the moral side of the questions involved.

It seems to me that the Senate has a right to consider not only whether a man is guilty of an act of moral turpitude in one particular instance, but also whether his whole record is such as to indicate that his whole career is characterized by such acts, and that his standards are on a corresponding level. There are those who sneer at such a position. I read from the CONGRESSIONAL RECORD, on page 2326, on the 12th of this month.

Now, Mr. President, I want to say what I have got to say, but I do not feel much like speaking. I do not like the precedent of going back into the history of Senators for 25 or 30 years. If we apply the same rule generally which it is sought to apply in the present instance, we would not have a quorum here.

That comes from a man who has been in the Senate longer than any of the others of us. He does not say anything about the guilt or innocence of Governor LINGER; but applying the same test here, he says that a majority of Senators are criminals. In other words, at least 49 Senators are criminals. He says that if we should apply the rule of moral turpitude to the Senate there would not be a quorum left. If that statement is correct there should be wholesale resignations; if it is a false statement, there should be one.

I continue to read:

I think some of us are like an old Negro, Uncle Bill, who was honest and truthful, and who had a son named Wes, who was a playmate of mine. One day my brother caught Wes stealing eggs, caught him red-handed. My brother said, "Wes, take these eggs and walk with me to your Uncle Bill." So they went to Uncle Bill and my brother said, "I caught Wes stealing these eggs; here they are." Old Uncle Bill reached over and pulled down a limb from a peach tree and said, "I will teach you not to let the buckra catch you stealing." He was not beating him for stealing eggs; he was beating him for letting the buckra catch him.

As I gather, if that statement has any application at all, Senator LINGER is to be condemned because he has been caught.

But that is not all the Senator said:

Some of us may not be immune from attack because we have not as yet been found out.

He has found out that a majority of us are guilty. That is nearly enough.

The Senator further said:

I think that the Biblical expression, "Let him without sin cast the first stone," is very applicable.

That is not a happy slogan, because the implication is that the person about whom he is talking is guilty. So that

expression does not exactly fit his theory of the case.

I heard one of the Senators, as he rushed down the aisle, in his enthusiasm in this case say, "Well, you must fight fire with fire." Oh! The committee was being attacked, and they must be fought with fire. That is another unhappy slogan, as it seems to me. If it is at all applicable, I do not see why he did not shout, "You must fight jury tamperers with jury tamperers," or "Fight those who tamper with the courts by tampering with the courts," or "Fight murder with murder." So we might go on down the line.

When the committee was first given the assignment, it was the supposition that the seat from North Dakota was what was in question. It seems to me that, as the argument has proceeded, first it was the committee itself that was being tried, and now I suspect that in the ears and eyes and minds of a great many people in the United States, the Senate of the United States is being tried. I suspect that they will have the opportunity to give their own decision as to this claim.

It was said here by the same Senator:

It smells more like turpentine than turpitude—

Sneering at the search which has been made into the records of North Dakota, sneering at the efforts of the men who for 13 months have attempted to find out the facts as to an election in North Dakota.

Mr. McFARLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. DOXEY in the chair). Does the Senator from Delaware yield to the Senator from Arizona?

Mr. TUNNELL. I yield.

Mr. McFARLAND. When the Senator from South Carolina stated:

I do not like the precedent of going back into the history of Senators for 25 or 30 years. If we apply the same rule generally which it is sought to apply in the present instance, we would not have a quorum here.

Was it the Senator's interpretation of that statement that all the Senate was guilty of the charges or that the Senator from North Dakota was not guilty of the charges made against him?

Mr. TUNNELL. I shall repeat the language and see if the Senator from Arizona will have any difficulty in telling what he meant:

If we apply the same rule generally—

That is, the rule that moral turpitude, as I understand it, is represented by interference with courts, by bribery of Governors—

If we apply the same rule generally which it is sought to apply in the present instance, we would not have a quorum here.

Mr. McFARLAND. If the Senator is asking me for my interpretation—

Mr. TUNNELL. I have not asked for it.

Mr. McFARLAND. I presume the Senator meant that, in his opinion, the Senator from North Dakota was not guilty of the charges. I did not think he meant we were all guilty of those things.

Mr. TUNNELL. Then, I should like to ask the Senator what he meant by saying that there would not be a quorum here.

Mr. McFARLAND. He meant that if we should apply that rule, if all of us were charged, if all that had to be done was to place charges and not to prove them, we would not have a quorum. That was my interpretation of what he said.

I am not trying to defend the Senator from South Carolina; I am trying to defend the Senate. I simply do not give to the Senator's remarks the same interpretation the Senator from Delaware gives them.

Mr. TUNNELL. Mr. President, I do not think it is susceptible of the interpretation which the Senator from Arizona places on it.

Mr. MURDOCK. Mr. President, will the Senator yield to me?

Mr. TUNNELL. No; not at this time. The PRESIDING OFFICER. The Senator from Delaware declines to yield.

Mr. TUNNELL. There is in this case something which is serious. It is not a matter of turpentine, as the Senator said. Turpentine has a very sweet smell to those who come from the South; it means profits; it means business; and I have no objection to that. However, I do object to the sneering which has been indulged against the committee after it has seriously tried to do its duty in this case.

Only on Friday last, a Senator stood before the Senate and said that he was astounded at what the committee had done. One Senator told us today that he was dismayed, I believe, at what had been done. It seems to require no judgment whatever to condemn the Committee on Privileges and Elections. So far as a great many of the Senators who have manifested that idea are concerned, all of us are convicted beforehand. One of the good Senators on our committee, one who has not been a member any longer than I have, said to me the other day, "When you listen to these men, do you not feel that we have committed some great wrong?" I said, "Yes; if I took their statements at face value, I should."

The question is not a new one from the standpoint of interpretation of the Constitution. If we are wrong in saying that acts such as those which have been described indicate moral turpitude, that is an indication of a difference between other Senators and Senators who are members of the committee as to what constitutes moral turpitude; but I suspect that the people of the United States consider the acts which have been described here to involve moral turpitude; and that is what I meant when I said that the people of the United States may be trying the Senate. Perhaps this is a trial of the Senate itself.

The Committee on Privileges and Elections met day after day and hour after hour. Its members are not men who trifle with their oaths; and I will—excluding myself—put them, man for man, in opposition to those who have seen fit to criticize them, either in the Senate or outside. We were challenged on immaterial points to stand up and say what we had to say, as if we were bad children

who needed spanking. That seemed to be the attitude. The challenge usually was made upon some question which had nothing or very little to do with the real point in issue.

I believe that a majority of the committee were just as anxious to be fair to Governor LANGER as they were to be fair to themselves. I do not think there was any stacking of the committee. I do not think there was any disposition to condemn a man without evidence, and I do not think the record will so show.

I was very much impressed by the argument of the Senator from Utah so long as he stuck to the position that the Senate has no authority to try moral turpitude. I am not impressed when it comes to the point whether the acts charged involve moral turpitude or whether the Senate has a right to consider them as so doing.

In the report of the Committee on Privileges and Elections the various charges against the respondent are numbered and set out separately. The first of the charges mentioned in the report is that in the case of Emma Oster. It has been suggested that this is one of milder offenses with which the respondent is charged. That is true. Mr. and Mrs. Oster first met the respondent some time in 1929—record page 412. At that time the Osters were in court in an attempt to get a divorce.

I heard a statement made on this floor that they were divorced because the prosecuting attorney wanted the wife to be able to testify against the husband; but the very first time that Governor LANGER ever saw Emma Oster she was trying to get a divorce. At that time the respondent claimed that he was responsible for their reconciliation. I have no doubt, if he was, that he performed a very laudable act.

As to the kind of people they were, in referring to them the respondent states that he told the judge that they were "pretty nice." They were "pretty nice people" according to the respondent. A few days later Oster killed a man by the name of Peterson because of his relationship with Mrs. Oster. "Nice people."

There is, so far as I have been able to determine, no statement in the record that an attempt was made to get a divorce for the purpose of qualifying Mrs. Oster to testify against her husband. However, the respondent appeared at the divorce trial and resisted the attempt of Mrs. Oster to get a divorce. The respondent then offered a man by the name of Jake Broeckel \$50 to obtain for him a chance to talk to Mrs. Oster. So we have the case of an attorney, who was representing Mr. Oster, offering \$50 for a chance to talk to Mrs. Oster.

The divorce was granted Mrs. Oster notwithstanding the opposition of the respondent. The respondent then said to Mrs. Oster, "I should like to have you remarry Mr. Oster." That was one of the acts of the respondent. She was not very anxious to do it, he said, but she finally said, "If you will see that I get a divorce if I want to, in case Jake is convicted, I will get married again." When the divorce was granted a clause was put in the decree under which the

parties could not marry within a year. On page 420 of the record, in a copy of a letter dated February 13, the respondent admits that he promised to get Mrs. Oster a divorce free if she would remarry Oster.

It is admitted—page 421 of the record—that the respondent had assured Mr. and Mrs. Slovark that she had been divorced from Oster. Mrs. Oster was considered by the respondent as being capable of taking care of the children, and it twice appears in the record that LANGER succeeded in having Mrs. Oster placed in charge of the children.

That may not be interference with a court or tampering with witnesses; but when the respondent went to the jail, had himself sworn in as a deputy sheriff, and, as a deputy sheriff, took Mr. Oster to South Dakota—an attorney taking his client accused of murder out of the State—he committed not only an unprofessional act but a criminal act, which would, in most of the States of the Union, have resulted in his sentence and imprisonment.

It would appear from the record that there must have been at least a dozen suits brought against the respondent at different times, some of them civil and some criminal. On page 51 of the report we find a statement from the record as to the respondent breaking down the doors of the jail and entering the desk of the sheriff in order to see a client.

It was a challenge to him. He could not bear to be challenged. The law stood in his way. There was an officer, or some one representing an officer, before him. He could not bear that; it was a challenge to LANGER. So he breaks in and gets the keys and sees his client. I do not know what would have happened in your State, Mr. President; perhaps in your State that would not be considered to be an act of moral turpitude; perhaps it may be that moral turpitude is a matter of geography, as was suggested by one of the Senators; but I know that in my State it would be considered an act of moral turpitude and would also be considered a criminal act. I should hate to attempt to pursue such a course of conduct as that and stay on the outside of a jail.

On page 52 of the report we find where the respondent was arrested for inciting a riot.

On page 53 we find that he was arrested for seizing telephone lines in connection with a liquor raid.

On page 54 of the report we find that the respondent declared martial law after the supreme court had determined to oust him as Governor.

In a declaration of independence, issued on that date, the respondent signed an order to suspend and prevent the service of civil process and to prohibit unlawful assembly based on a written preamble that there was a mob assembled at the Capitol Building, that peace and order were being threatened, and that the situation was growing worse hourly. On page 630 of the record the respondent testified that there was not any mob at all there at the time in question.

These instances are cited to show the desperate character of the respondent.

What had happened was that the court had found that he was to be ousted from his office as Governor, and, in order to prevent the service of civil process, he suspended civil process. That would have been insurrection if it had not been that the Adjutant General had greater respect for the law than the respondent had, refused to obey the command of the then Governor, and let the civil process be served, notwithstanding the order of Governor LANGER that civil process was suspended for no other reason than to see that Governor LANGER was not ousted. Not only did he do that, but he went away and hid in a shanty a half or three-quarters of a mile from the town of Bismarck.

Oh, no; there is nothing in the nature of moral turpitude, it is just outlawry, it is not mortal turpitude, according to some gentlemen.

After suspending all civil process, the respondent disappeared and went into a small cabin a half or three-quarters of a mile out of town, where it was unlikely that the sheriff would be able to find him if he should attempt to serve an ouster order upon him.

The second conspiracy trial was one in which the name of Gale B. Wyman, son of Judge A. Lee Wyman, appeared. Leedom was a citizen of South Dakota, and was located approximately 450 miles from Bismarck. But it was said he was close to the judge. So Governor LANGER had him sent for. A man by the name of Mulloy, who was very close to Governor LANGER, went to South Dakota, to see Leedom, and Leedom was engaged by James Mulloy to participate in the manipulations in the interest of this respondent.

Leedom had the reputation of being a "fixer." The Senator from West Virginia [Mr. KILGORE] asked if Leedom was not a "fixer." Wyman said he was a fellow who got what he wanted, or what he went after.

Governor LANGER sent for Leedom, and he went to Bismarck, and he remained around Bismarck, drunk a good deal of the time, a free spender, a friend of the court. Oh, no, Governor LANGER did not hire him, his agent did the hiring.

I do not know how much he was paid. The testimony in one place indicates that it was \$1,700 or \$1,800, and Governor LANGER said \$700 or \$800, as I recall. But he was there. He was there, they said, to watch the jury. "To watch the jury." Ye Gods! Send 450 miles to get a drunk to watch the jury, and to be a free spender around Bismarck while the trial was going on—a free spender. Oh, yes, Governor LANGER, the vigilante.

The respondent wanted some one who had the confidence of Judge Wyman. I say now that I am not attempting to try Judge Wyman, and I am not interested in his conduct except insofar as this respondent was attempting to influence him.

Leedom was paid from \$1,700 to \$1,800, as will be found in the record, page 23. The ostensible purpose of the employment of Mulloy was to watch and see that the jury was not tampered with. The jury was supposed to have occupied rooms 402 and 403 at the hotel. Leedom,

who had become a free spender around Bismarck, was registered at room 407; in some places in the record it appears he was registered at 408; and the deputy marshal was registered at 406 in the same hotel. Just how they expected to keep the jury pure by having a drunk next door or across the hall is not very clear.

Apparently Leedom was a very influential politician in South Dakota.

Mr. HUGHES. North Dakota.  
Mr. TUNNELL. No; South Dakota. He lived in South Dakota. But this job took a professional; it took someone with technique to handle this situation in Bismarck, so they sent to South Dakota for this "fixer."

This question was asked by the Senator from West Virginia [Mr. KILGORE], referring to Leedom.

He was considered as one of the men who fixed everything up, compromised all differences, settled everything in South Dakota?

Wyman, who was testifying, answered:

No; I would not say that exactly. He was a very influential politician, though.

Senator KILGORE. Did he not bear the reputation of being one of the best fixers in South Dakota?

Mr. WYMAN. Not as a matter of fixing, as far as I know. He had a lot of influence. You would not class it all as fixing. He was considered a powerful politician; there is no question about that.

The Senator from Utah [Mr. MURDOCK] then asked the following question:

You had to live up to his reputation in this case, didn't you?

Mr. WYMAN. Well, he got what he went after, I guess.

And he did. "He got what he went after."

Let me show what kind of man Mulloy was. He had been appointed by Governor LANGER secretary of the North Dakota Industrial and Securities Commission on January 10, 1933, immediately after the installation of Governor LANGER. Mulloy traveled with Governor LANGER a great deal. On one occasion they left Bismarck together and went to a telephone at Mandan, as to which trip Mulloy stated with reference to LANGER, "He had told me that the wires were tapped there. We figured it would be safer to call from Mandan than it would from Bismarck." They were at that time trying to find Leedom, the fixer.

It appears from the testimony, on page 16 of the record, that Mulloy went to Deadwood, and when Leedom was interviewed by Mulloy, Leedom said, "By God, Jim, we have got to save LANGER."

Mr. President, that is a better slogan than some of the others which have been used with reference to this case, such as "Fighting fire with fire," and "Let him who is without sin cast the first stone." Those are slogans suggested, but Leedom has a better one, "By God, Jim, we have got to save LANGER." And Leedom and Mulloy went to Bismarck for the purpose of saving LANGER.

Now as to the purpose of engaging young Wyman, the judge's son. Of course, this may not indicate moral turpitude, I do not know, it may be that it is not moral turpitude in North Dakota. It

has been suggested that moral turpitude is a matter of geography. This is what Mulloy said about the employment:

I told him, "That is exactly what I am down here for."

He was talking to Wyman.

And we talked—well, for the balance of the afternoon he impressed upon me, and I already knew, that he was very, very close to Judge Lee Wyman. He also discussed with me and told me of the boy, Gale Wyman, and the influence that Gale Wyman would have with his father.

Mr. BURKE. That is a son of Judge Wyman?

Mr. MULLOY. Yes.

Mr. BURKE. Is he a practicing lawyer in South Dakota?

Mr. MULLOY. Yes.

Mr. BURKE. Located where?

Mr. MULLOY. At Deadwood, S. Dak.

Mr. BURKE. Did Mr. Leedom make any suggestion with reference to Mr. Wyman, junior?

Mr. MULLOY. Yes. Here is just what he said, he said, that the old man thought—or that the kid was the apple of the old man's eye. He said, "By God, I'll bring him up tonight."

That was the first time he went to get Leedom.

Mr. BURKE. Did he?

Mr. MULLOY. Yes; he did.

Mr. BURKE. Was that the first occasion you had met young Wyman?

Mr. MULLOY. To my knowledge, I had never met Gale Wyman before.

Mr. BURKE. Well, that evening, tell us the high lights, tell us as to what was the conversation between yourself, Mr. Leedom, and the son of Judge Wyman.

As if there could be any "high lights" in a transaction of this sort.

Mr. MULLOY. We discussed the case, both the case where the Governor had been convicted—and we discussed all angles of it, and they both impressed me with the good that they could do and the influence that they would have.

Mr. BURKE. Influence on whom?

Mr. MULLOY. On Judge Wyman.

Mr. BURKE. Was anything said about what specifically they were to do?

Mr. MULLOY. Well, we discussed the amount of money that was to be sent to Gale Wyman, but I had no authority from either Mr. LANGER or Mr. Vogel to offer any specific amount.

Mr. BURKE. Did Mr. Gale Wyman indicate what he thought his services ought to bring?

Mr. MULLOY. The amount that we agreed on, subject to the approval of Governor LANGER, was \$500. That is, there was to be \$500 sent to him immediately upon our return to Bismarck, in case that the Governor approved of the deal.

One Senator defied us to show any connection whatever between LANGER and the buying of the services of young Wyman. Here was the offer that was made to Wyman, "subject to the approval of Governor LANGER," and it must have been approved, because the money was paid. That is admitted by all three—Mulloy, Wyman, and LANGER. LANGER paid him the balance, and he did not deny at that time that \$250 had been paid on account. Governor LANGER did not say, "No; I have not paid you anything on this \$500," but he said there had been \$250 paid, and he paid him \$275, which was the balance due, together with \$25.

Mr. CHANDLER. Mr. President, will the Senator from Delaware yield?

Mr. TUNNELL. I yield.

Mr. CHANDLER. Has the Senator from Delaware any doubt in his mind, from the testimony he heard and from the statements of witnesses as they appeared, that these parties took up with young Wyman the question of fixing his father? The other side made great capital of the fact that the judge was not fixed.

I wish the Senator would elaborate on the matter, because I have the distinct impression that they talked to Gale Wyman about fixing his father, and that he said he was not able to fix his father, but one must believe that he accepted the \$525 either to fix his father, to secure a miscarriage of justice, or to tell his father they were going to give him a banquet.

Mr. TUNNELL. There is not the slightest question about the purpose for which Wyman was employed. He himself said that it was understood that he was to use his influence with his father.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. AIKEN. I should like to ask the Senator from Kentucky or the Senator from Delaware on what page of the testimony we will find the impression given that anyone talked to Gale Wyman about fixing the judge?

Mr. TUNNELL. I am reading it to the Senate. It will be found on page 17 of the record, if the Senator from Vermont will take the record and read it.

Mr. AIKEN. That is where we will find that there was a discussion about fixing the judge?

Mr. TUNNELL. As I read on I think the Senator will find that I shall read enough to satisfy him.

Mr. CHANDLER. Oh, it is in the record. It can easily be found.

Mr. TUNNELL. Yes, I read:

The amount that we agreed on, subject to the approval of Governor LANGER, was \$500. That is, there was to be \$500 sent to him immediately upon our return to Bismarck, in case that the Governor approved of the deal.

If the Governor approved, \$500 would be sent, and \$500 was sent by the Governor, and \$250 of it was kept by Chet Leedom. Governor LANGER himself paid the remaining \$250, together with \$25.

Mr. CHANDLER. I call the Senator's attention to the testimony on page 111 in the green book.

Mr. Burke said:

And I read you that portion of your statement appearing at the top of page 17, which I now repeat—

This is Wyman speaking—

I told them from the standpoint of a fixing policy it would be a physical impossibility for me to do any good.

They talked about fixing, because if they had not talked about fixing that boy would not have made the statement he made that from a fixing standpoint he could not do them any good.

Mr. TUNNELL. He said it was understood.

Mr. CHANDLER. It is claimed that the Senator from North Dakota did not

know anything about it, but either he or his agents talked fixing with the judge's son, and they paid him \$525 either to fix the judge or to try to fix him, or to tell his daddy they were going to give him a banquet. Qui facit per alium facit per se. What a man does through his agent he does himself.

Mr. TUNNELL. I want to call attention to the fact that the first \$250 which was to be paid in case LANGER approved, was paid at the first trial.

Mr. CHANDLER. Yes.

Mr. TUNNELL. And that the remaining \$250, together with \$25, was paid after the second trial was completed. That made a total of \$525. At that time Governor LANGER acknowledged the payment by his agent of \$250 on account of this bribe to the judge's son.

Mr. BURKE. That was for Gale Wyman himself?

Mr. MULLOY. Yes.

Mr. BURKE. What about Mr. Leedom?

Mr. MULLOY. There was no arrangement made with Mr. Leedom. Mr. Leedom came back with me, and he and the Governor discussed the financial part together.

Mr. BURKE. Was their discussion at this first meeting with Gale Wyman about the release of the jury list and complaint that Judge Miller, at the first trial, had refused to release the jury list in advance, and so their style had been cramped in checking up on the jurors?

Mr. MULLOY. Yes; there was.

On page 18 of the record in discussing—

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. TYDINGS. I have been reading over page 17, and while an inference may very well be drawn that young Wyman was employed because of his influence on the judge, who was his father, I fail to find any specific words to justify more than an inference. Am I correct in assuming that there are no words set forth to justify more than an inference?

Mr. TUNNELL. No; I shall not give the page right now, but Gale Wyman himself stated that that was understood.

Mr. TYDINGS. What was understood?

Mr. TUNNELL. That he was to influence his father if he could.

Mr. TYDINGS. How?

Mr. TUNNELL. They did not go into the details as to how it was to be done. He said he could not do it, but he said that was the purpose for which he was hired. He said he told them at that time that he could not influence his father.

Mr. TYDINGS. If any Senator comes across the exact statement in the testimony I should like to have it.

Mr. TUNNELL. I think I have it; yes.

Mr. TYDINGS. I rose only for the purpose of finding just where that statement was made in the record. I do not find it on page 17.

Mr. TUNNELL. If the Senator will turn to page 111 of the testimony he will find the following on the point he has raised:

I read you that portion of your statement appearing at the top of page 17, which I now repeat:

"I told them from the standpoint of a fixing policy it would be a physical impossibility for me to do any good."

Do you wish to say to the committee that when you referred to a "fixing policy" that that was the first time that that had been mentioned in the conversation between Mr. Leedom and Mr. Mulloy and yourself, that the only thing they had suggested for which they wanted your services was in reference to this banquet and the relief of the jury list?

Mr. WYMAN. That is all that they suggested to me at the time. However, there were possibly some inferences drawn during the conversation which caused me to describe it in that way. I cannot recall the exact conversation.

Mr. BURKE. Now, Mr. Wyman, is it unfair to say that you knew perfectly well when Leedom called you down there and Mulloy and Leedom talked to you and wanted you to take some part in this case, they were willing to pay you, apparently, whatever you asked; \$500 you said, that they wanted you to use your influence in whatever way you could with your father to get the result they wanted in the case? You knew that that is what they wanted, did you not?

Mr. WYMAN. Well, that was understood.

That was Mr. Wyman's answer to Senator Burke as to whether or not young Wyman knew that they expected him, in return for the money paid him, to use his influence with his father to get the result they wanted in the case. He said, "That was understood."

On page 18 of the record, in discussing the employment of Wyman, Mulloy stated as follows:

Well, of course, the idea was that he was to use his influence on his father, saying "Blood is thicker than water."

LANGER claims that he did not know of the hiring of Wyman. Perhaps he did not. He at least knew of the payment. He admits that.

On page 19 of the record Mulloy states as to the payment to Wyman:

Mr. LANGER handed me five \$100 bills, and I delivered them over to Mr. Chet Leedom in the Grand Pacific Hotel. That was the money that was to be sent to Gale Wyman.

It might be well to inquire who is this Mulloy who testified to such damaging facts with reference to the history of Governor LANGER. On page 10 of the record Mr. Mulloy states that he was appointed secretary of the North Dakota Industrial and Securities Commission on January 10, 1933. This was by appointment by Governor LANGER. We find that the Governor used Mulloy as his companion and trusted lieutenant for a number of years. We find on page 15 of the record that he took Mulloy with him when he went to Mandan to try to get in touch with Leedom in preparation for the second criminal trial of the Governor at Bismarck.

On page 16 we find that the Governor asked Mulloy to secure the services of Chet Leedom in Deadwood, S. Dak.

On page 90 of the record we find the following letter of recommendation of Mulloy by Governor LANGER, dated April 14, 1939:

To Whom It May Concern:

I take exceptional pleasure in recommending James Mulloy, who during the time that I was Governor of North Dakota was secretary of the industrial commission, as a man

who is entirely trustworthy, capable, and efficient.

Mr. Mulloy has had a great deal of experience in business, both in a private and public capacity. He had charge of a department which had charge of millions of dollars in money and property and did his job on behalf of the people of this State very well. You may hire him with the full assurance that you can repose confidence in him.

Very truly yours,

WILLIAM LANGER.

This is the same Mulloy who testified to this maneuvering at the instance of Governor LANGER, for the purpose of influencing the court which was to try him.

In the first trial for conspiracy, in which he was tried by Judge Miller, LANGER was convicted. On page 11 of the record we find that Mulloy suggested to the Governor that steps be taken to secure the assignment of Judge Wyman to this case. After it became apparent that there was to be a second trial, the first thing to be arranged was to get a judge who would be satisfactory. I read from page 11 of the record:

Mr. BURKE. What steps were taken to secure the appointment or assignment of a different judge?

Mr. MULLOY. The only thing that I knew, I told Bill that if he could succeed in getting Judge Wyman appointed that I knew a fellow that I thought would appear to me to have influence with that judge.

Mulloy, the man so highly recommended by Governor LANGER, made that statement. On the same page Mulloy states that two or three times he had conversations with Governor LANGER relative to LANGER's endeavor to get Judge Lee Wyman appointed to try the case. This matter seems to have been pursued much further, as shown by the testimony on page 13. This testimony shows the interest the Governor was taking to bring about the assignment of Judge Wyman to the case. On page 15 Mulloy was asked how the assignment of Judge Wyman was brought about. I read:

I want to say that Mr. Mulloy had an awfully fine father. The first time I ever knew Mr. Mulloy—you may wonder why he got into the State employ at all. I did not know Mr. Mulloy at all, but the county executive committee of Eddy County, headed by the officials there, and Mr. F. F. Almers, came to see me originally with him. Mr. Almers was supposed to be the wealthiest farmer at that time in the county. At that time I understood he had 2 or 3 years' crop of wheat in his granaries. They said, "We would like to have this young man get a job, because his father is an outstanding citizen, for 35 or 40 years lived in Walsh and Eddy Counties, and his brother is a Catholic priest, outstanding Catholic priest," who later was chosen the head of the Catholic Rural Life of the United States, as I remember it, and they said that he came from a very fine family, as far as they knew. I did not do much inquiring with that kind of endorsement. We simply put him to work. Never had any trouble. He was very efficient and did his work well all the time he worked there, with the exception that he became intoxicated once. The industrial commission met. It consisted at that time of Mr. Arthur Gronna, who is now the judge of the district court, and Mr. John Hushy. We simply passed a resolution on the books, and he was there at the time we passed it, that if he became intoxicated again we would fire him

from the job as secretary of the industrial commission (p. 731).

Later he gave this letter of introduction, and for years almost slept with him—I think he did.

With reference to what was done to get the judge assigned, we have the following:

Mr. BURKE. Did you find out?

Mr. MULLOY. No; I did not. The only thing that the Governor ever told me, he said there was an attorney in Kansas City who lived in some part of the house with Judge Stone, and it was Judge Stone who had assigned him to try the case, and later I found out that Judge Gardner had assigned the original designation and it later was approved by Judge Stone.

We find also on page 14 that the announcement of the assignment of Judge Wyman was about October 1, 1934.

After the assignment of Judge Wyman, the next step was to engage someone who was close to Judge Wyman to go to Bismarck for the trial. We find on page 16 the following testimony with reference to the steps which were taken:

Mr. MULLOY. I told Governor LANGER that I had no money to make the trip for my expenses. He first told me not to be surprised if I found the money in the compartment of the car, and the next time, or the next thing I told Vogel that I had no car, and Vogel offered me the use of his car. So we drove back to Bismarck, and I prepared to leave that day with them, and did leave, and drove as far as Mott, N. Dak., that night, just about 15 or 20 miles from Bismarck, and registered at the Weeks Hotel in Mott. I stayed there that night. The next morning I got up and drove to Deadwood, S. Dak.

Mr. BURKE. Did you see Mr. Leedom while you were there?

That was the first trip. Governor LANGER did not know Leedom at that time. He simply knew that he was supposed to be close to Judge Wyman, and that Judge Wyman had been assigned.

Mr. MULLOY. Yes. I registered at the Franklin Hotel in Deadwood. I went up to my room, and I was just finishing taking a bath, and Chet knocked at the door and came walking in, and just as he came in he put out his hand to shake hands with me. He said, "By God, Jim, we have got to save LANGER."

On page 17 the conversations between Mulloy, Leedom, and the son of Judge Wyman are set out. On page 18 the purpose of the employment of young Wyman is set out, and the medium of Mrs. Pat Woods for communication between Leedom and Wyman. It was not thought safe for Leedom and Wyman to be meeting. So they arranged that communication should be through Mrs. Pat Woods, who was a close friend of Leedom's. However, Leedom went with Mulloy to Bismarck. Leedom stayed in Bismarck the whole time of the trial.

On page 23 of the record Mulloy states that Leedom was paid \$1,700 or \$1,800, including the Wyman money, about which more will appear later. It appears that young Wyman had sufficiently impressed the LANGER alliance so that preparation was made to pay Gale Wyman a certain amount of money. At the bottom of page 19 we find that \$500 was paid by LANGER to Mulloy, that Mulloy turned the \$500 over to Chet Leedom, and that Leedom gave one-half of it to the son of

the judge who had recently been assigned to this case.

Remember, the first case was a conspiracy case, tried by Judge Miller. The second case was a conspiracy case tried by Judge Wyman. The first case had resulted in a conviction of LANGER. The second case was the one over which Leedom exercised such close control. This is shown by the testimony of Mulloy on page 20 of the record, as follows:

Mr. MULLOY. Gale and I went over to the First National Bank on Saturday afternoon. The bank was closed. We could not get in to cash it—

That was after the check had been paid by LANGER. He did not draw the check to Wyman. He drew the check to Mulloy, and Mulloy endorsed it to Wyman. They went over to the bank and the bank was closed. Then they went to the Patterson Hotel, but the hotel did not have that much money—

so we went down to the Patterson Hotel, attempted to get the cash there, and they did not have that much currency on hand. So I endorsed the check and turned it over to Gale Wyman just before he left for the airport to go back to Deadwood.

There was no mistake about this money being intended for Wyman by LANGER, because later in the testimony of LANGER he says that he drew it for Mulloy, and that Mulloy turned it over to Wyman. He says that the amount was that which Wyman told him was still due on the \$500 which it had been agreed at the first trial that Wyman should receive.

Mr. BURKE. The evidence in the record—there is no dispute about it—indicates that at a certain bank following that some time—I do not recall the exact date—Mr. Gale, Wyman cashed Mr. LANGER's \$275 check and received the proceeds. That is all set out in the record.

During the first trial before Judge Wyman, or the second trial altogether, the activities of Leedom are described on page 21 in the following language:

Mr. BURKE. That would mean a trial of a couple of weeks; would it not?

Mr. MULLOY. Yes; it would be 2 weeks or possibly 3 weeks.

Mr. BURKE. And Mr. Leedom was there in Bismarck during the entire time of that trial?

Mr. MULLOY. Yes, sir; he was.

Mr. BURKE. And reporting to you very frequently?

Mr. MULLOY. Yes.

Mr. BURKE. And you, in turn, reporting to Mr. LANGER?

Mr. MULLOY. Yes.

Mr. BURKE. Do you know, of your own knowledge, whether Mr. Leedom was in touch with Judge Wyman during the period the trial was going on?

Mr. MULLOY. Yes, sir; I do.

Mr. BURKE. How do you know that?

Mr. MULLOY. Because I saw him go in his room; I saw Judge Wyman opening the door.

Mr. BURKE. On one, or more than one occasion?

Mr. MULLOY. On more than one occasion.

Mr. BURKE. These messages, or the statement that Mr. Leedom made to you, and that you passed on to Mr. LANGER, what was the nature of them, of those statements?

Mr. MULLOY. Well, Leedom would come back over, or contact me mostly at my room, or in his room, and tell me that Judge Wyman had said in regard to that day's doings

at the trial, and I remember one occasion when he came back and told me—it was after the Government had introduced witnesses in the trial—showing that the efficiency of the highway department had been impaired by these solicitations, and he advised me to get word to the boys to have somebody subpoenaed the next day or shortly thereafter, to contradict that testimony.

It was never shown by the respondent that no such testimony was introduced. So far as I know, that statement was allowed to stand uncontradicted.

The testimony of various witnesses may be confusing. The first trial was that of the Governor and others before Judge Miller on the conspiracy charge. The second trial was the one in which Leedom appeared at Bismarck. There a hung jury resulted, the jury standing 10 to 2 in favor of conviction.

Young Wyman did not go to Bismarck until the third trial, which was the trial of LANGER for perjury. On page 668 of the testimony Senator LANGER was asked if he had agreed to pay the necessary expenses and fees of Leedom, the following language being used:

Senator LANGER. Yes, sir; I did. I told him to go down—

Speaking now of Mulloy—

and make the arrangements and get him up there for that trial.

That was LANGER. He was sending for Leedom, the man who was drunk at the trial a good deal of the time, spreading money—a free spender—with a room across the hall from the jury. LANGER admits that he paid him \$700 or \$800.

Mr. BURKE. Did it occur to you at the time that there might be any impropriety, or anything worse, in making that kind of an arrangement with a close political and other kinds of friends with the new judge who was coming up?

Senator LANGER. No; I don't think there was impropriety in it, and I would do it again tomorrow. It is something any defendant has a right to do, is to protect himself. That first jury was tampered with. I had a right to protect myself the same as the Government had a right.

That is the theory of the Senator who said that one must fight fire with fire. Governor LANGER said he would do it again:

The government looked up those jurors and knew who they were going to be. I certainly had the same privilege.

LANGER states that he and Mulloy went out riding quite often. That testimony is on page 669 of the record.

Having been successful in the assignment of Judge Wyman to try his cases, the next step was to get the jury in line. On page 23 of the testimony, the following information is given, showing the steps to get in touch with the jury:

Mr. MULLOY. Well, I can tell you about that, and it will probably clear it up; that is, as to what I know about it.

When I came back from Deadwood, young Wyman had told me to contact one of the lawyers and have him wire to his father to get him to release the jury list, or ask for the jury list.

Well, I did not want to contact Murphy, so I contacted Murray; and Murray wired to the judge at Sioux Falls, S. Dak., asking for the jury list. That day at noon, Gale Wyman

called from Sioux Falls and informed us that there would be a telegram along sometime during that day very shortly. That afternoon J. K. Murray received a telegram from Judge Wyman at Sioux Falls, and my memory is it was a copy of the telegram that he sent to the clerk of court at Fargo, N. Dak., ordering the clerk to turn over the jury list if there were no regulations against it in that district of North Dakota.

In other words, the judge did order the list, just as Gale Wyman, his son, had said he would; and the telegram came in confirmation of that arrangement. Of course, Gale Wyman wanted to prove to LANGER that he was really doing something; that it was not merely a case of pouring out some money for him.

On page 24, the activities along this line are described in the following language:

Mr. BURKE. Tell us about that.

Here is more as to the jury. The judge is all right now, according to their theory; they had gotten the man that Governor LANGER wanted for judge; he was assigned.

The answer is as follows:

Mr. MULLOY. Governor LANGER sent letters out to practically every precinct in the State, and asked these precinct captains or lieutenants to be available near a phone for those 2 days.

Mr. BURKE. For what purpose?

Mr. MULLOY. So that we could call them, or he could call them, or his lawyers could call them, or get the dope on whoever was selected for the jury.

That is very important. The judge being assigned, the next thing to do was to get the jury in line. The evidence in the case is that there are twenty-two-hundred-and-some precincts in North Dakota, and that he sent out letters to practically every precinct in the State, telling someone to stand by the telephone and tell him about jurors. He got some answers too.

I continue reading Mr. Mulloy's statement:

I believe there was a letter sent out also at that time, or prior to that, to different people over the State, to write in the names of anybody they found who was serving on the jury, or had received notice that they were called for jury duty.

Mr. BURKE. Do you recall the name of 1 of the 12 men selected to serve on this jury in the second trial, by the name of Rich?

Mr. MULLOY. Yes; I do.

Mr. BURKE. Did you know him prior to that time?

Mr. MULLOY. No; I did not.

Mr. BURKE. Did anyone talk to you about him prior to the trial?

Mr. MULLOY. Yes, sir.

Mr. BURKE. Who was that?

Mr. MULLOY. George Schonberger, from Casselton, N. Dak.

Mr. BURKE. Who was he?

Mr. MULLOY. He had been connected with the highway department. I think he was maintenance superintendent, or something.

Mr. BURKE. While Mr. LANGER was Governor?

Mr. MULLOY. Yes, sir.

Mr. BURKE. Where did he talk to you?

Mr. MULLOY. In front of the Patterson Hotel.

Mr. BURKE. Did he give you a message to deliver to anyone?

Mr. MULLOY. Yes, sir; he did.

Mr. BURKE. What did he say?

Mr. MULLOY. He told me that he had somebody talk to this man Rich and that Rich was all right.

Mr. BURKE. What did you do with that information?

Mr. MULLOY. Well, I gave it to Bill.

Mr. BURKE. Were you requested to do that?

Mr. MULLOY. Yes sir.

Mr. BURKE. That is, this Mr. Schonberger came to you and wanted to pass on this information to Mr. LANGER, and told you that Juror Rich had been contacted and it was all right?

Mr. MULLOY. Yes; that is what he said.

The second conspiracy case was tried on November 15, 1935. The jury stood 10 for conviction and 2 for acquittal. One of the two who voted for acquittal was Reich, and Reich was later paid, according to the uncontradicted evidence, \$950. Governor LANGER did not make the payment; the payment was made by his fellow indictor, Vogel.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. TUNNELL. Yes; I yield.

Mr. LUCAS. Governor LANGER bitterly complained about the first trial under Judge Miller, claiming that Judge Miller was prejudiced against him and claiming that the jury was tampered with, but based on all the evidence I think it is a fair assumption—and I believe it is not challenged at any place in the record—that the second conspiracy trial showed a judge of whom no one on either side complained; but after all the watching that was done by Leedom and the other fellows who were employed for that purpose the jury, at the close stood 10 to 2 for conviction.

Mr. TUNNELL. That is correct.

After the effort was made to find out what jurors would be all right, after sending out letters to 2,200 precinct captains, and getting their replies, one return was that Reich was all right; and evidently the Langer attorneys saw to it that Reich was on the jury. Not only was he on the jury but he and one other juror held the jury from a conviction, and later Reich was paid \$950 by check.

Mr. HUGHES. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the junior Senator from Delaware yield to the senior Senator from Delaware?

Mr. TUNNELL. I yield.

Mr. HUGHES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. VANDENBERG. Mr. President, will the Senator withhold his request for just a moment?

Mr. HUGHES. I withhold it for a moment.

Mr. VANDENBERG. I merely desire to observe that I am glad the Senator from Delaware has suggested the absence of a quorum. At the moment there are on the floor 6 Members of the jury of 96. If I were to have the misfortune to be tried in court I should want to have more than 10 percent of the jury in my case present to listen to the presentation of the case. This is not a trial; it is a travesty.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Glass	O'Mahoney
Austin	Green	Overton
Bailey	Guffey	Pepper
Bankhead	Gurney	Radcliffe
Barbour	Hayden	Reed
Barkley	Herring	Reynolds
Billbo	Hill	Rosier
Bone	Holman	Russell
Brewster	Hughes	Schwartz
Brown	Johnson, Calif.	Shipstead
Bulow	Johnson, Colo.	Smathers
Butler	La Follette	Smith
Byrd	LANGER	Spencer
Capper	Lee	Stewart
Caraway	Lucas	Taft
Chandler	McCarran	Thomas, Idaho
Chavez	McFarland	Thomas, Okla.
Clark, Idaho	McKellar	Thomas, Utah
Clark, Mo.	McNary	Truman
Connally	Maloney	Tunnell
Danaher	Maybank	Tydings
Davis	Mead	Vandenberg
Doxey	Millikin	Van Nuys
Ellender	Murdoch	Wheeler
George	Murray	White
Gerry	Nye	Wiley
Gillette	O'Daniel	Willis

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5784) to consolidate the police and municipal courts of the District of Columbia, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5945) granting the consent of Congress to a compact entered into by the States of Colorado, Kansas, and Nebraska with respect to the use of the waters of the Republican River Basin.

The message further announced that the House had passed a bill (H. R. 6738) to limit the initial base pay of \$21 per month for enlisted men in the Army and Marine Corps to those of the seventh grade, in which it requested the concurrence of the Senate.

#### SENATOR FROM NORTH DAKOTA

The Senate resumed consideration of the resolution (S. Res. 220) declaring WILLIAM LANGER not entitled to a seat in the Senate from the State of North Dakota.

Mr. TUNNELL. Mr. President, the second conspiracy case was tried November 15, 1935, and the jury stood 10 for conviction and 2 for acquittal, 1 of the 2 voting for acquittal being this man Reich. In the testimony on page 555 of the record, Senator LANGER spoke of thanking 2 jurors who had hung the jury, they being Mr. Carvoneau and Mr. Reich.

The Governor had secured the appointment of the judge he wanted—and I am not reflecting at all on the judge; he had gotten the information with reference to the jury; he had gotten the re-

port that Reich had been seen and was all right and his attorneys saw that he was placed on the jury. LANGER then admitted that he thanked the 2 members of the jury for hanging the 10-to-2 jury.

It will be remembered that at the first trial before Judge Wyman, Mulloy had gone into South Dakota and had gotten Leedom to come up to Bismarck. At the same time he had engaged young Wyman to help out in the case, but not to come to Bismarck. It was understood that he would not be there. In the first case there was a conviction of LANGER. In the second the jury was hung 10 to 2 in favor of conviction, 1 of the 2 jurors being the one who had been contacted and was reported to LANGER as being all right, and then LANGER thanked the 2 gentlemen for their conduct.

It appears in the record that later on LANGER received a check for \$950, to which a person who had been selling machinery, I think it was, thought he was entitled. He endorsed the check and handed it over to this man Vogel, I believe, and it was by him handed to Reich. Governor LANGER did not hand it to Reich, but Vogel, who was jointly indicted with LANGER, did.

When the date for the third trial, the trial of the perjury case, approached, the Governor wanted Leedom back again; he wanted back this free spender, this fixer, this man who hung around the jury, staying drunk much of the time, boasting, as the record shows, of his influence with the judge of that court. Senators, how inspiring it is to see these vigilantes as they protect law and order in North Dakota. LANGER sent down again for the man who had made that sort of a record. Leedom was not present at the first trial, and LANGER was convicted. In the second trial, with Leedom present, there was a hung jury. When the time approached for the third trial, LANGER sent for Leedom. What was he to be there for? Why did he need this man? Why was Leedom so necessary that he had to be brought 450 miles to Bismarck, with a record such as he had, of rooming across the hall from the jury, and boasting of his nearness to the judge and of his influence with the judge?

Mr. President, that is an inspiring incident. The Governor of North Dakota was being tried, and Governor LANGER must be saved. The Governor again sends for this fixer, despite his previous record, and he was found to be too drunk to come this time. That was at the time of the perjury trial, as I have stated.

Now comes a very interesting and illuminating disagreement between Mulloy and the Governor. When Mulloy went to get Leedom for the perjury trial and found him to be too drunk to come to town, he called up the Governor. Senators, remember that Gale Wyman was the man who had already been paid \$250 of the Governor's money. The Governor said he did not know it. Either the Governor sent Wyman the \$500, \$250 of which did not reach him, or else he paid Leedom so much money that Leedom could afford to pay Wyman out of that without even missing it, because \$250 had been paid to Wyman at the first trial presided over by Judge Wyman.

Mulloy called up LANGER and said, "I cannot get Leedom there. I am going to bring the other fellow." Who was "the other fellow"? The one to whom he paid \$250. Governor LANGER is anxious to have Senators to believe that he said "another fellow," because "the other fellow" who was employed and paid by LANGER and LANGER's agent was Wyman. LANGER does not want Senators to believe that he knew that Wyman was the other fellow, though he had already paid him the \$250, and thought he had paid him \$500. Leedom had taken his toll of \$250 out of it, and only \$250 reached Wyman. That is the reason for and the significance of the Governor's testimony when he said, "He told me he was going to get another fellow" instead of "the other fellow," who was the one he had already paid.

That testimony is very damaging, it is very significant, it is very illuminating, to anyone who reads it and understands its true significance.

The perjury case came up for trial before Judge Wyman on December 6, 1935. LANGER said that Wyman was employed for the purpose—of what? He was to see that the jury list was delivered, as it perhaps should have been; I do not know as to that. He was also to warn his father against going to one of the banquets—the testimony says a LANGER banquet. LANGER's friends or attorneys, or those who spoke for him, apparently wanted it understood that it was not a LANGER banquet. I do not know that it was. We will let it go either way. I think Senators will find testimony both ways in the record. Certainly, Senators will find it testified to as a LANGER banquet, but the Langer people deny it, as I understand, and it is not important that we take a stand in that respect.

Here was a young man, the son of the judge, paid \$500. He was paid \$250 first. Why? Because the defendant wanted a list of the jurors. We are told it was his right to have a list of the jurors. If so, why did he have to hire the judge's son to obtain the list? Why was not the usual motion made by his regular attorneys? It was not made by them. Wyman had delivered, so far as the jurors were concerned. He had obtained the list. A telegram was sent saying that the list of jurors would be sent that afternoon, and the list came. Of course, that was something LANGER's attorneys could have done. It was not necessary to hire the judge's son to obtain the list of jurors.

Mr. President, the Langer people say they wanted him to warn his father not to go to a certain banquet. It must have been a hostile banquet—at least the Langer people must have thought it was. They wish Senators to believe that they paid the judge's son \$525 to get him to tell his father not to go to a banquet. That does not make good sense. It is not logical. The employment of Gale Wyman was not because of any sense of ethics. The judge's son was hired—there is no denying that—in connection with this trial. No one has denied it. He was hired. Governor LANGER said he paid him the \$275, and he would have paid him \$1,000 to get him away, because he, LANGER, was being tried by his father, but he

waited until the trial was over, and the father had given binding instructions to the jury, before he paid the son the second payment. He waited for the delivery of the thing for which he paid out the money.

Senators, it is said there is no moral turpitude involved in that transaction. Moral turpitude is a matter of geography, we are told. The vigilante of North Dakota was looking after the honor of the United States court, and in doing so he admits he sent his special envoy to hire the friend of the judge; that the envoy could not get him because he was too drunk, and so he got "the other fellow," the man whom LANGER had employed, through his agent, before, and to whom he had paid half the fee. Mr. President, what an inspiring sight we see then. The judge of the United States court is at the hotel in the town where the trial takes place, and his son registers at that hotel, under an assumed name, for it would not do to let it be known that the judge's son was hired; it would not do to let it be known that the judge's son was there with his father. It would not do for all those things to be so plain. The judge's son was on the inside. He says he could not do any damage anyway. We are not talking about that. We are talking about the man who paid him \$525 because he thought he could. There is no denial of the fact that he received the \$525. LANGER says he paid \$275 of it by check, and that he would have paid more if he had been asked to do so.

Mr. BROWN. Mr. President, will the Senator yield.

Mr. TUNNELL. I yield.

Mr. BROWN. I have been puzzled throughout the trial—if I may use that expression—of this case on this particular issue. Is there any direct evidence—not evidence based upon inference, but direct evidence—that Mr. LANGER had anything to do with the hiring of Gale Wyman, the judge's son? I understand, of course, that he paid him after the trial was over, but that he and his friends contend that he did not know, prior to the end of the trial, that Wyman was hired by his friends in his behalf. If the Senator has the facts, I should like to have him tell me whether there is any direct evidence showing that LANGER knew that Wyman was being hired at the time he was hired.

Mr. TUNNELL. I will state the evidence as I remember it—and I think I remember it correctly. LANGER sent his agent, Mulloy, to Deadwood, S. Dak., I believe, 450 miles, to get Leedom. While there, that very night, Leedom and Mulloy discussed this case, and Leedom, after exclaiming, "By God, we must save LANGER!" and after telling what the son could do, sent for Wyman. Young Wyman was not known to Mulloy. So young Wyman came to the room where Mulloy and Leedom were, and there he was told the whole situation. That was before the second trial. He was asked how much money he would want. Leedom, Wyman, and Mulloy finally agreed on \$500, but that was subject to the approval of Governor LANGER. Then Mulloy states that he went back to Bismarck and told the Governor about the ar-

range ment, got \$500 from the Governor—five \$100 bills, I believe is the statement—and that he gave those to Leedom to give to his friend Wyman.

The money was paid. Mulloy says it was paid by LANGER to him for that purpose, and that he passed it on to Leedom. Leedom paid \$250 of the money to Wyman. There is no doubt about that. The testimony bears that out, and there is no contradiction.

When we come to the second trial before Judge Wyman, the perjury trial, when Leedom could not get there because of his intoxication, Mulloy then called up the Governor and told him that he could not get Leedom, but that he could get "the other fellow," the fellow who, as it turned out, had received \$250 of the Langer money. He could get the other fellow. Governor LANGER says he told him he could get "another fellow." There is a great difference. Governor LANGER himself admits that after the first trial Wyman told him that he owed him \$250 from the first contact; that he had received but \$250 of the \$500 he was to receive; and that he thought he ought to have \$25 more for his expenses, or a total of \$275. Governor LANGER paid him the \$275 without any protest or any denial that he had paid him \$250. He did not claim to Wyman, and he did not say that he claimed to Wyman, that he had not previously paid him \$250. He said that he paid the \$275 by check to Mulloy. There is no place in the record where anybody except Mulloy saw Governor LANGER deliver the first \$250. Mulloy says he did. He says he delivered it to Leedom, and the Governor says that Wyman said he had received \$250, but had not received all of the \$500. Does the Senator understand the situation?

Mr. BROWN. Yes.

Mr. TUNNELL. The perjury case came up for trial before Judge Wyman. The trial continued up to and including December 6, 1935. Gale Wyman appeared in Bismarck for the perjury case at the instance of Mulloy. Mulloy had sent for Leedom, the free spender, who had been present at the first conspiracy trial. Leedom was drunk, and Mulloy conditionally employed Wyman. Wyman went to Bismarck with Mulloy for the perjury case.

On page 547 of the testimony LANGER tells of his first knowledge that Gale Wyman had appeared in Bismarck for the perjury case. It will be noted that Governor LANGER was in touch with Gale Wyman as soon as he could possibly see him after his arrival in Bismarck. Senator LANGER's testimony, on page 547 of the record, is as follows:

Senator LANGER. Mr. Mulloy telephoned me either the day following the telephone conversation that I referred to or 2 days afterward, saying that he was with Gale Wyman, the judge's son.

I was very much surprised. I said, "I want to see him as soon as I possibly can."

A short time after that, Mr. Wyman and Mr. Mulloy came over to my house. We have a den down there in the basement. A few minutes later, Mr. Mulloy stepped out and I asked Mr. Wyman what he wanted up there.

That is significant. Mr. Mulloy did not stay to hear the conversation or the bargain between LANGER and Wyman.

A few minutes later, Mr. Mulloy stepped out and I asked Mr. Wyman what he wanted up there.

He said, "Well, Mr. Mulloy talked to me. He said maybe I could get into this lawsuit."

I said, "We have all the lawyers we need." He said, "I told him that. I told him you did not need any lawyers. I want to tell you that Mr. Mulloy is doing a good job, doing the best he could, did the best he could to get Mr. Leedom back."

He did. He had been down there at each trial, the second and the third, to get Leedom back to Bismarck.

"Mr. Mulloy promised me \$500 for my services. I done some work for him when he was down there before. All I received was \$250."

I said, "Well, I will be very glad to pay the rest."

He said "the rest," knowing that part of it had been paid, and admitting that part of it had been paid.

I said, "Well, I will be very glad to pay the rest." He said, "Well, I think I should have \$25 more for coming up here, for expenses." I said, "I am very glad to give you a check for \$275. Come to the office. I will write out the check. I will give it to Mr. Mulloy and he will give it to you."

That is the substance of it.

Why did he not draw the check to Gale Wyman? He did not want that check to appear here as an admission that he had hired the judge's son, so he did not draw the check to Gale Wyman; but he did draw it to Mulloy, and he promised Wyman that he would draw it to Mulloy. He did so, and he delivered the \$275 check. He had then paid \$525 altogether.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. BROWN. It seems to me that if the statements in the minority report are accurate, there is some ground and some justification for Mr. LANGER handling that matter as he did. If, as I understand the facts, Mr. LANGER knew nothing about the employment of Wyman, and when he did find that Wyman had been employed without his knowledge he thereupon called him and told him that he did not want him in the case, it seems to me that it is rather reasonable to assume that he would not want to have a record by a check to the effect that he had paid the judge's son any money. Looking at this situation from the standpoint of the innocence of LANGER rather than from the standpoint of the guilt of LANGER—and I think that is the course which we as jurors should take in this case—it seems to me that it is not unreasonable to assume that Mr. LANGER would prefer not to make a check to the judge's son.

If his statement is that he did not hire him and that he discharged him immediately upon hearing that he had been hired by others in his behalf, I say that, viewing the matter from the standpoint of innocence rather than guilt, it is not unreasonable for me to assume that under those circumstances a reasonable man would take the course he did take in paying the check.

Although my inclinations are very strong in this case, I am still retaining an open mind about it. I have asked the question for the purpose of pointing out to the Senator—and I should be very

glad to have him indicate to me where I am wrong—that it was not unreasonable for a man in Mr. LANGER's position to pay in the way he did.

Mr. TUNNELL. I ask the Senator if he does not think it is fairly reasonable for a man who had hired and had paid through an agent, and whose agent said he took \$500 in cash from LANGER, to have said—as Mr. LANGER is reported to have said—"Let us pay this through someone else." I think it is just as reasonable and consistent as is the Senator's theory of innocence, if not a good deal more so.

Mr. BROWN. So far as the Senator from Michigan is concerned, he is trying the case as a juror, under the rule which usually is applied in criminal cases. The Senator from Delaware and the majority of the committee must make a stronger case; they must convince me beyond a reasonable and fair doubt that Mr. LANGER is guilty as charged. If the matter can be explained in the way I have explained it, and if that explanation is as fair and reasonable as the way the Senator from Delaware is now explaining it, I shall take the view of the defendant rather than that of the prosecution. I think that is my duty under all the circumstances.

Mr. STEWART. Mr. President, will the Senator yield to me, so that I may ask a question regarding the point raised by the Senator from Michigan and other Senators who have engaged in the colloquy—not a question directed particularly to the Senator from Michigan?

Mr. TUNNELL. I yield.

Mr. STEWART. The Senator from Michigan said that probably the view should be taken that is taken in criminal cases, that the defendant is presumed to be innocent, that there is a presumption of innocence in his favor. Does the Senator think that the rule which applies in criminal cases, requiring that the evidence shall convict beyond a reasonable doubt—which I believe is the rule, if I remember it correctly—should be applied in this case, or that the rule in civil cases, which requires merely a preponderance of the evidence, should be adopted by the Senate? I have given considerable thought to the matter and I should like to have an answer to the question.

Mr. BROWN. In reply to the Senator's question, let me say that I, myself, in attempting to reach my own decision in the case, have adopted the rule applying in criminal cases. I think that the present case is tantamount to a criminal case. I think that the punishment which may be inflicted upon the Senator from North Dakota as a result of the judgment of the Senate is one of the most serious punishments which could possibly be inflicted against any man.

Mr. STEWART. That is true.

Mr. BROWN. So far as I am concerned, I have made up my mind that I must be convinced beyond a reasonable and fair doubt that the Senator from North Dakota is guilty of some one—any one—of the charges, before I shall vote to oust him from the Senate.

Mr. STEWART. Before I take my seat I should like to observe that, of course, I can see a reason for the position taken

by the Senator from Michigan. I myself have thought about the same question. However, I do not know whether a rule so harsh as the usual criminal rule should apply; because, as I understand the matter, after all, nothing more than a property right is involved. There would be no incarceration if there should be a conviction. All that is involved is a property right—the right or title to an office. Of course, it might be argued that the question of moral turpitude is involved, and that for that reason the rule should be the rule applying in criminal cases.

I simply desired to state my view regarding the matter and to understand the Senator's viewpoint.

Mr. TUNNELL. Mr. President, let me say to the Senator from Michigan that it does not make any difference to me which way any Senator may vote. However, in the present case we have not only the testimony of Senator LANGER but the testimony of both Mulloy and Wyman himself that LANGER paid the balance of the money.

Mr. STEWART. Mr. President, will the Senator yield to me for a moment at that point?

Mr. TUNNELL. Yes; I yield.

Mr. STEWART. Of course, we have the direct testimony of Mulloy that the whole transaction was agreed to, consented to, and planned by the Senator from North Dakota, along with Mulloy and probably others.

Mr. TUNNELL. Oh, yes.

Mr. STEWART. To say that there is no direct testimony is not an accurate statement. There is testimony, because Mulloy told about it. Probably the answer to the question depends upon the credibility of Mulloy, and the extent to which he may be believed. However, some Senator stated on the floor of the Senate that Mulloy was a self-confessed criminal. At any rate, probably it might be well to point out that he was admittedly an associate of the Governor at that time. In addition, there is the evidence of one or two others, which I shall not take time to discuss.

Mr. TUNNELL. There is the testimony of Mulloy and Wyman, and that of LANGER himself, which makes a string of testimony amounting to far more than what I conceive to be required should we adopt the position suggested by the Senator from Michigan. There can be no possible solution of the situation based on human evidence unless we can have LANGER himself say, "Yes; I paid those fellows for the purpose of getting Wyman to influence his father."

I do not expect such an admission. I think that is the only remaining step to a complete and overwhelming list of witnesses and of evidence.

The perjury case came up for trial before Judge Wyman, and the trial continued up to and including December 6, 1935. Gale Wyman appeared in Bismarck for the perjury case. Mulloy had sent for Leedom, the free spender who had been present at the second conspiracy trial. Leedom was drunk, and Mulloy conditionally employed Wyman, and Wyman went to Bismarck with Mulloy for the perjury case. On page 547 of the testimony, LANGER tells of his first knowl-

edge that Gale Wyman had appeared in Bismarck for the perjury cases.

It will be noted that Governor LANGER was in touch with Gale Wyman after the trial had ended. We have the testimony of Governor LANGER that he had sent his agent into South Dakota and that the agent called him and told him that he was going to bring someone else, that he was going to bring "the other fellow," who was Gale Wyman. Having that testimony, I do not think we are called upon to be quite so meticulous as to say that Governor LANGER did not know that he had a man in South Dakota after he had sent him down there and the man had called him on the telephone and told him he was going to bring "the other fellow," and all that. I think it would be going beyond reason or the evidence to say that LANGER did not know he had a man there.

I think that the giving of the check for \$275 to Wyman and making Mulloy sign it is only one other step in a bribery case.

I read further from the testimony of Senator LANGER:

That is the substance of it. I notice Mr. Wyman testified he talked to me half an hour. I do not think he talked to me more than 10 minutes.

Mr. MURPHY. Is that the only talk or conversation you ever had with Mr. Wyman?

Senator LANGER. That is the only time I ever had a talk with Mr. Wyman. I wanted to get him out of the town as fast as I possibly could.

However, he waited until after the trial was over before he got him out.

On page 550 Senator LANGER tells of his payment to Wyman, and the reason for such payment. He states that at the time he gave the money to Wyman, Wyman's father was going to try him. As a matter of fact, the date of the check shows that at the time he paid Wyman the trial was over, and binding instructions had been given by the father of Gale Wyman to acquit Governor LANGER.

On page 27 of the transcript of the hearings the following testimony of Mulloy appears:

From Gale's office I went back to the hotel, and I think Mr. Wyman went home, as far as I know. The next morning I met him at the hotel, and he had—I think it was his car. He was in the car, anyway, and we drove from Deadwood out to the airport near Spearfish, and Mr. Roberts had the plane all ready, and we took off and got to Bismarck; it was at the noon hour, between 12 and 1 or 1:30.

Mr. BURKE. Where did you go when you arrived at Bismarck?

Mr. MULLOY. Gale went to the Patterson Hotel, where his father was stopping, and I went up with the pilot to LANGER's law office. It was closed. So I went over to the Grand Pacific Hotel, and the pilot was to see the Governor later about getting his pay.

Mr. BURKE. When did you see Gale Wyman next?

Mr. MULLOY. It was that afternoon some time, later in the afternoon.

He came to my room in the Grand Pacific Hotel, and my memory is that Gale Wyman slept with me at the Grand Pacific that evening, or that night, without registering.

Mr. BURKE. What did he do after that about staying there?

Mr. MULLOY. I do not know whether it was that afternoon or the next afternoon that he

went and registered at the Patterson Hotel, the hotel where his father stopped, and he registered under an assumed name.

Thus we have further inspiring light on the record of the respondent—hiring through an agent the son of the judge and the son of the judge coming to Bismarck and registering under an assumed name. More vigilante activities.

On page 28 of the hearings, Mulloy testified as follows:

Mr. MULLOY. Mr. Leedom told Governor LANGER, he said, "I can get the old man to make a speech from the bench for you, Bill, that will be worth 30,000 votes."

Mr. BURKE. Were you present in court when Judge Wyman, from the bench, made his remarks, at the time of discharging the jury or directing them to return a verdict in favor of the defendants in the perjury trial?

Mr. MULLOY. Yes, sir; I was.

Mr. BURKE. What do you have to say about that?

Mr. MULLOY. Well, of course, when the judge made the speech, I figured that Leedom had delivered; I know that afterward Governor LANGER put it in his book, that he put out during the campaign, *The Fighting Governor*.

Leedom was to get a speech from the judge that would be good for 30,000 votes. There appears in Governor LANGER's book, *The Fighting Governor*, the speech of the judge which had been promised would be such a wonderful vote getter for him. The following is taken from page 96 of *The Fighting Governor*, and is said to have been the language used by Judge Wyman in the course of the trial of LANGER:

"I have no quarrel with that rule at all, Mr. Lanier," Judge Wyman said, "If you will confine your examination of this witness as to his knowledge of facts which are in any way material to the issues here, he will be permitted to answer questions."

"But we are not concerned with what his impression was, or conviction was, or whether he was affected by his speech one way or another. That is not the idea. The allegations in the affidavit of prejudice merely tend to state the conclusions of the men signing the affidavit—their reactions, their impressions, and if they are honest in their opinions, why then it can never be made the basis of a perjury suit. We cannot prosecute men for their opinions—that is, we can't do that in America—not yet. There may be a time when we can, but to date we cannot."

Leedom had said that he would have him deliver such a speech or a speech that would be worth 30,000 votes.

Proceeding on pages 38 and 39 of the record, the following testimony appears:

Sometime after the Federal trials were over Congressman BURDICK met me out in front of the Patterson Hotel and we started discussing the trials and particularly the trials under Judge Wyman. He informed me that Senator Norbeck had come to him in the House Chamber, here in Washington, when Judge Wyman was appointed, and had leaned over his desk and whispered in his ear and told him "that the judge was all right."

The third conspiracy case commenced on December 10, 1935, and continued up to and including December 19, 1935.

On page 129 of the testimony it appears that Judge Wyman knew of the connection of his son, Gale Wyman, with the respondent's difficulties, as appears by the following quotation from the statement of Judge Wyman to the investigator:

Shortly after I received notice of my assignment my son, Gale B. Wyman, who resides at Deadwood, S. Dak., called me over the long distance phone at Sioux Falls, and told me that some parties from North Dakota were in his office and had endeavored to employ him to act as one of the attorneys for the defense in the trial of the Langer case, and advised me that, because of the fact that I was to preside at the trial he had refused to consider their proposition, and had told them he would have nothing to do with it because of the fact that I was to be the presiding judge.

He also told me that the parties had informed him that the clerk at Bismarck, N. Dak., had refused to permit them to inspect the jury list, and that they had requested him to ask me if there was any way in which they could be permitted to see this list before the trial. I told him that if they would make an application to me for an order directing the clerk to submit the jury list to them for inspection, I would issue such order if there was no local rule to the contrary.

The judge admits that he had knowledge that his son was taking an interest in that trial. Of course, it is generally held to be unethical for a judge's son to appear before the judge in a case; there can be no doubt about that; and it is still more unethical for the son of a judge to accept money to appear under an assumed name at the trial, and to associate with the judge, giving the impression to those with whom he was associated that he could do something there for the defendant.

On page 115 of the record the apparent affluence of Leedom is discussed in Wyman's testimony, in the following words:

Mr. BURKE. If I may interrupt you on that point, you say in your testimony, book I, page 27, "After Chet got back from North Dakota after the first trial he was flush; he got dough up there, as I understood, and he stayed drunk pretty near most of the time." That is his condition that you are now testifying about?

Mr. WYMAN. Yes, sir.

Mr. BURKE. That is, he had opportunity to have plenty of money, did he, as you testified?

Mr. WYMAN. He had plenty of change. He did not have any trouble getting it, and he did not run out.

Mr. BURKE. Is it not a fact that up to the time of his appearance in this case he had been very short of money?

Mr. WYMAN. That is true.

Mr. BURKE. All right. Go on, then.

Mr. WYMAN. Well, then, when Jimmie decided that he could not take him back up there he said, "Let's go over to your office." So we went over to my office and discussed the matter further over there, as to what he should do. And he did not know how he was going to satisfy BILL LANGER, because he said that Bill was expecting Chet back up there, and he had to have some kind of alibi for not being able to bring him back, and he had intimated to me at that time that Chet had drawn considerable money, and some in advance, you might say, because the job was apparently just half done. While he was up there, originally, for just the one trial, these other trials developed after the first one, with no anticipation at the beginning that there would be two or three trials.

I quote now from page 111 of the testimony:

Mr. BURKE. Now, Mr. Wyman, is it unfair to say that you knew perfectly well when Leedom called you down there and Mulloy and Leedom talked to you and wanted you to take some part in this case, they were will-

ing to pay you, apparently, whatever you asked, \$500 you said, that they wanted you to use your influence in whatever way you could with your father to get the result they wanted in the case? You knew that that is what they wanted; did you not?

Mr. Wyman's answer was:

Well, that was understood.

Wyman knew what he was supposed to do, though he said he could not do it, but he did take the money for doing whatever he could along the line suggested. He said, "It was understood."

Both Gale Wyman and Lee Wyman have stated that the judge knew of Gale Wyman's connection with the case. The judge even stated that his son called him up with reference to what he was asked to do.

The case was tried, and the results were eminently satisfactory from the standpoint of Governor LANGER. The first trial before Judge Wyman resulted in a hung jury. The second trial, the perjury case, resulted in a binding instruction for acquittal. That was the third trial, really, but the second before Judge Wyman. The third case, being a conspiracy case, resulted in an instruction for acquittal.

The second case has attracted a good deal of attention because it involves the testimony of one of Governor LANGER's old associates. The testimony of Mr. Feist, who was the chauffeur for Governor LANGER on February 28, 1940, shows that Governor LANGER was taking a Mrs. Kolstad on a trip from somewhere near Bismarck to a place 12 miles west of Jamestown, in North Dakota. It appears that Feist was driving at a speed of about eighty to eighty-five miles an hour, and that Governor LANGER and Mrs. Kolstad were sitting on the back seat. The testimony of Feist appears on page 305 of the record. The car was overturned, and Mrs. Kolstad was so seriously injured that she died within a few days. Feist testified, as appears on page 307 of the record, that LANGER approached him with reference to the sort of testimony he was to give. This appears on page 307, as follows:

Mr. MURPHY. That he was going to make a statement and wanted you to verify it?

Mr. FEIST. Yes.

Mr. MURPHY. Did he tell what he was going to say?

Mr. FEIST. He did.

Mr. MURPHY. What was he going to say?

Mr. FEIST. He was going to testify to the fact that—we were not going to lie about the speed—he was going to tell the truth about speed, and he says, "I am going to testify that as we were coming along here, we were talking about this convention," and he says, "I was talking to you and Mrs. Kolstad and I said, 'Isn't that right, Andy?' and you did not pay any attention to me, and I tapped you on the shoulder and you turned around and, of course, you lost control of the car."

Mr. MURPHY. Yes? Then, what did you say?

Mr. FEIST. I says, "Well, Bill, I don't know about that," and he says, "What do you care? I am taking the blame."

Mr. MURPHY. And did you so testify before the coroner's inquest?

Mr. FEIST. I did.

Mr. MURPHY. Well, now, you say that that is not true?

Mr. FEIST. That is not true.

Mr. MURPHY. At all?

Mr. FEIST. No.

Mr. MURPHY. He did not tap you on the shoulder, or you did not turn your head?

Mr. FEIST. I did not.

Mr. MURPHY. You testified at the coroner's inquest, did you not, that Mr. LANGER had drawn your attention and you looked back, and when you looked ahead again it was too close to the ditch?

Mr. FEIST. I did.

Mr. MURPHY. And you tried to bring the car back, and you went down into the ditch and went plunging in the ditch probably 200 feet or little better?

Mr. FEIST. That is right.

Mr. MURPHY. And you say that is not true?

Mr. FEIST. That is right.

Mr. MURPHY. It is not true?

Mr. FEIST. Yes; that is what I testified to.

Mr. MURPHY. Yes; that is what I am asking you.

Mr. FEIST. You say you cannot read very well, but you can write, can you not?

Mr. FEIST. Not very much.

Mr. MURPHY. I show you exhibit No. 3 and ask you if that is in your handwriting?

Mr. FEIST. It is not.

Mr. MURPHY. Is the signature on it yours?

Mr. FEIST. It is.

Mr. MURPHY. Andrew B. Feist?

Mr. FEIST. That is right.

Mr. MURPHY. And that is the statement, is it not, that you gave to either Mr. Sullivan or Mr. Fleck?

Mr. FEIST. I think Mr. Fleck took this; I was at Mr. LANGER's that day, and he did most of the talking on that.

Mr. MURPHY. We offer exhibit No. 3 as a part of the record.

Mr. McGUIRE. No objection.

The CHAIRMAN. Without objection, it will be admitted.

(The document referred to was marked and received in evidence as "LANGER's exhibit No. 15.")

LANGER's exhibit No. 15 was in the following language:

Just prior to the happening of said accident and at the time of the accident I was watching the road; I did not look sideways, nor did I look to the rear of the car but was looking forward. The accident did not occur through any carelessness on my part, but it was simply an accident over which I had no control.

The gist of the Feist incident was that Feist was an employee of the Governor, driving his car, and the Governor was anxious to have some reason, some excuse, for the accident. He was anxious that the driver, Feist, should be shown to have been interfered with, even by himself, so he persuaded Feist to swear that the Governor had tapped him on the shoulder, which Feist told us later was not the truth.

Governor LANGER is particularly unfortunate in that those around him seem to lose confidence in him. Here are Mulloy, and Wyman, and Feist, all testifying as to things which are incriminating as against LANGER.

LANGER was attempting to take advantage of the statute requiring proof of gross negligence to enable one to recover from the owner of the car in any suit involving transportation for hire. Feist admitted that he did give false testimony, and that he did it at the request of Governor LANGER. Governor LANGER could give no explanation, or any reason for Mr. Feist giving false testimony.

Perhaps it is not a matter involving moral turpitude to ask a witness to swear to something which is untrue. I

know some who are in a good deal of difficulty at this moment in a United States court for having sworn before a grand jury to something that was false. They have pleaded guilty to the charge, but they have not yet been sentenced. It is considered in my State, in the United States court, not only a matter involving moral turpitude, but it is considered a very serious criminal offense.

This experience of Feist was entirely in line with the case of Deis against Langer, as shown on page 291 of the record.

This was a suit of a husband for either alienation of affections, or some statutory act which in the testimony is called ruining her reputation. One of the persons who was relied upon to establish the case was Mrs. Oster, or Mrs. Slovark. On pages 292 and 293 it appears that Mrs. Slovark was a witness for Mr. Deis in this case. Mrs. Slovark stated that Mr. LANGER had taken her and Mrs. Deis to Mrs. Slovark's home one evening, and that she had gotten out of the car, and that Governor LANGER and Mrs. Deis had left together. On page 293 it is stated that Mr. Feist was approached by Governor LANGER to get Mrs. Slovark to change her testimony. She was assured by Feist that if she would change her testimony and state that she and Mrs. Deis had gotten out of the car together at her home, she would not be cross-examined, and that certain embarrassing questions would not be asked her. She agreed to change her testimony to that effect, and she was not cross-examined. The result was that no judgment was found against Governor LANGER.

The next case that attracts our attention is that of the sale of the Mexican land to the agent for the Great Northern Railroad Co. The special duties of this agent of the Great Northern Railroad had reference to taxation. I think 2 or 3 days of the argument by those favoring the respondent were devoted to attempting to prove that nothing was delivered for the \$25,000 paid. In other words, the argument for Governor LANGER, or Senator LANGER, as the case may be, was that while he took the \$25,000, he did not give anything for it except the stock.

There is no denial of the fact that this corporation, which had purchased a large amount of Mexican land, had not been a successful venture. The corporation was formed and the land purchased in 1907, 1908, or 1909, in that neighborhood. Thirty years later, after there never had been a dividend, except a stock dividend, when the stock was worth absolutely nothing from a commercial standpoint—and no one claims that it was worth anything—a man by the name of Sullivan, who was the tax representative of the Great Northern Railroad, appears. His office was in Chicago, and Governor LANGER went to Chicago. Sullivan did not come to him; he went to Sullivan. He told Sullivan that he had some of this stock of the Mexican Land Co., and that he was ready to sell him a one-half interest in his \$55,000 worth of the stock.

Governor LANGER took the \$25,000 in different payments. The contract was entered into in May 1937. He never delivered anything to the purchaser.

Asked where the stock was that he had sold to the purchaser, he said he wished he knew. He never notified the company that he had sold a share of his stock. He never took any steps to make it appear to be a transaction entered into in good faith. All he did was to accept the first payment on the \$25,000 in May 1937, when the contract was made. So far as we know, and as it appears from the testimony of LANGER, this contract was made in the office of Sullivan in Chicago the same afternoon the deal was suggested. When it was suggested by LANGER, Sullivan, without any hesitation, bought \$25,000 worth of this worthless stock. Some Senators say, "Oh, that stock is not worthless." One Senator took perhaps the greater part of a day, at least he spoke for a long while, telling us how the stock might turn out to be very valuable in the future. If that stock was worth anything, why did not LANGER produce witnesses to show that it had some value? The president of the company, Mr. Lemke, testified in this case, and he said the stock had no commercial value. Yet Sullivan paid \$25,000 for it to the Governor of North Dakota, who, as Governor, had control of the particular taxing body with which Sullivan was then dealing. If the Governor never delivered any reduction of taxes—and that is the contention—then he defrauded this man Sullivan, because no one doubts for a second that Sullivan expected to get a good return for his money.

Let us see what actually did happen. It is said, "Oh, well, in 1937, right after this sale was agreed to, the valuation of the railroad for tax purposes was raised." That is true. The valuation was raised \$700,000 in 1937, but was reduced \$3,000,000 in 1938. Did Mr. Sullivan get anything in return? The two actions with respect to valuation resulted according to the testimony in a reduction in the tax amounting to \$58,000.

It is said, "Sullivan did not get anything; therefore there was no moral turpitude involved." I believe that is something about which the people of the United States have a different idea. I do not believe the payment of \$25,000 by the tax representative of a great railroad company will be taken by the people of the United States to be such an innocent transaction. The payment was made to the Governor of a great State, who had a veto power with respect to anything taking place before the tax commission of the State.

The land in question, or a part of it, was expropriated by the Mexican Government at the time of the sale of the stock. Mr. Lemke told the investigators in this case, and it is a part of the record, that the stock of the land company had no commercial value. The agreement to pay \$25,000 for this stock was made at a time when Governor LANGER was in serious financial difficulties. What a blessing it is when you are in serious financial difficulties, even though you are a governor, that some good angel comes forward and agrees without hesitation, and on the same afternoon that a sale of stock is suggested, to pay you \$25,000 for the stock.

The land, or a large part of it, as I said, was expropriated by the Mexican Government, and Sullivan, apparently without any investigation of the land or the value of the stock, gave to Governor Langer, while he was Governor of North Dakota, and in control of the taxing commission of that State, a contract to pay him \$25,000 for one-half interest in the stock which belonged to Governor Langer, which stock was never delivered to Sullivan. It was most fortunate for a man who was in dire financial condition, as it is claimed Governor Langer was at that time, to have an angel, in the form of an attorney for the Great Northern Railroad Co., hand him \$25,000. Langer had had the stock all along. He had had the stock when he could not pay his grocery bills, as he said. He had the stock when he said he could not pay his tailor; when he said he could not pay his gas bill. He had \$25,000 worth of stock all this time. When the Committee on Privileges and Elections was taking the testimony, Governor Langer testified that Sullivan agreed to buy the stock right offhand. A man who could not pay his ordinary bills had stock lying around worth \$25,000, and at that time his wife was threatened with having the gas shut off in her house.

The corporation which had been organized largely by Representative Lemke and Governor Langer had not been a profitable venture. It was Mr. Lemke who stated that the stock had no commercial value. If it had a commercial value, Governor Langer knew all the persons who were connected with the company, and could have brought them before the committee and proved the value, but he did not do so. My recollection is that he himself stated that the stock had no commercial value.

Mr. Langer went to the office of Sullivan in Chicago, and Sullivan, without any investigation, agreed to pay \$25,000 for what had always proved to be worthless stock. Whether the execution of the contract was on the date on which Langer called upon Sullivan in Chicago is not quite clear. Langer very clearly knew that Sullivan was anxious to get as low a rate of tax valuation on the Great Northern Railroad Co.'s property in North Dakota as was possible. Langer stated that Sullivan expressed a good deal of confidence in Representative Lemke, and Langer suggested that if Sullivan had so much confidence in the honesty and business ability of Representative Lemke, he buy some of his stock. This was his suggestion to Sullivan; not Sullivan's suggestion to him, the implication being that he was very much dissatisfied with the stock of the company with which Lemke was connected.

So far as the record shows there was no investigation on the part of Sullivan after this, and he agreed to take \$25,000 worth of stock without hesitation.

Much discussion had taken place as to whether Governor Langer delivered anything of value, in addition to the stock, in return for this money. Sullivan did not appear on behalf of the Great Northern Railway Co. at any time in any court of record. There was much discussion as to whether the records of the

Great Northern Railroad Co. show the charge against it on account of Sullivan's payment of \$25,000 to the Governor of North Dakota. This is rather a far-fetched supposition.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. O'Mahoney in the chair). Does the Senator from Delaware yield to the Senator from Tennessee?

Mr. TUNNELL. I yield.

Mr. McKELLAR. I ask the Senator if he will yield at this time for the purpose of having the Senate go into executive session.

Mr. TUNNELL. I yield for that purpose.

Mr. McKELLAR. Will it suit the Senator just as well to continue his remarks tomorrow?

Mr. TUNNELL. Yes; it will.

#### PAY OF CERTAIN ENLISTED MEN

Mr. REYNOLDS. Mr. President, I ask unanimous consent that the bill received from the House of Representatives today having to do with the pay of certain enlisted men of the Army and Marine Corps be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives.

The bill (H. R. 6738) to limit the initial base pay of \$21 per month for enlisted men in the Army and Marine Corps to those of the seventh grade, was read twice by its title.

Mr. REYNOLDS. Mr. President, I ask unanimous consent that the bill be considered at this time. It is identical with Senate bill 2344, and the only effect of the enactment of the bill will be to add at the proper place in the selective-service law the words "of the seventh grade."

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill (H. R. 6738) to limit the initial base pay of \$21 per month for enlisted men of the Army and Marine Corps to those of the seventh grade was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2344 will be indefinitely postponed.

#### EXECUTIVE SESSION

Mr. McKELLAR. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. O'Mahoney in the chair) laid before the Senate messages from the President of the United States submitting several nominations in the Navy and the Marine Corps, which were referred to the Committee on Naval Affairs.

(For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF COMMITTEES

The following favorable committee reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Frank J. Duffy, of Nogales, Ariz., to be collector of customs for customs collection district No. 26, with headquarters at Nogales, Ariz. (reappointment); and

Several doctors to be assistant surgeons in the United States Public Health Service.

By Mr. BAILEY, from the Committee on Commerce:

Several officers for appointment and appointment and promotion for temporary service in the Coast Guard; and

Sundry persons and officers for appointment or appointment and promotion in the Coast and Geodetic Survey.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Albert A. Stebbins, to be postmaster at Garber, Okla., in place of F. N. Jones, removed.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

#### UNITED STATES HOUSING AUTHORITY

The Chief Clerk read the nomination of Herbert Emmerich to be Administrator of the United States Housing Authority.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### POSTMASTER—NOMINATION RECOMMENDED

The Chief Clerk read the nomination of Laverna O. Ramsey to be postmaster at Pleasant Hill, La., which nomination had been adversely reported from the committee on Post Offices and Post Roads.

Mr. McKELLAR. Mr. President, before anything is done with this nomination I should like to make a statement. I do not have the calendar before me, but this nomination has been adversely reported. At the request of both Senators from Louisiana, I ask that the nomination be recommitted to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Without objection, the nomination will be recommitted to the Committee on Post Offices and Post Roads.

#### POSTMASTER

The Chief Clerk read the nomination of Joseph H. Vachon to be postmaster at Saco, Maine.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That completes the calendar.

#### PROTOCOL ON UNIFORMITY OF POWERS OF ATTORNEY

Mr. CONNALLY. Mr. President, I wish to take up at this time Executive A, Seventy-seventh Congress, second session, a protocol on uniformity of powers of attorney, which are to be utilized abroad, signed for the United States on October 8, 1941, which appears on the calendar.

Mr. AUSTIN. Mr. President, does the Senator find it necessary to have this matter passed upon tonight?

Mr. CONNALLY. I will say to the Senator that there is no great pressure except that the protocol has been before us for some time. Does the Senator object to the present consideration of the protocol?

Mr. AUSTIN. I have no objection. I have not had an opportunity to examine

the protocol. I feel that I should like to have an opportunity to confer with members of the Committee on Foreign Relations.

Mr. CONNALLY. I have no objection to the protocol going over. It has been unanimously reported by the Committee on Foreign Relations. There are eminent minority Members on that committee. I shall not press my request; but I give notice that the next time we have an executive session I shall insist on action.

#### RECESS

Mr. McKELLAR. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 38 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 24, 1942, at 12 o'clock noon.

#### NOMINATIONS

Executive nominations received by the Senate March 23 (legislative day of March 5), 1942:

##### APPOINTMENTS IN THE NAVY

Capt. Monroe Kelly to be a rear admiral in the Navy for temporary service, to rank from the 25th day of November 1941.

##### MARINE CORPS

Brig. Gen. John Marston to be a major general in the Marine Corps for temporary service from the 20th day of March 1942.

Brig. Gen. Alexander A. Vandegrift to be a major general in the Marine Corps for temporary service from the 20th day of March 1942.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate March 23 (legislative day of March 5), 1942:

##### UNITED STATES HOUSING AUTHORITY

Herbert Emmerich to be Administrator of the United States Housing Authority.

##### POSTMASTERS

Joseph H. Vachon, Saco, Maine.

## HOUSE OF REPRESENTATIVES

MONDAY, MARCH 23, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who are the author and giver of every perfect gift, whose presence and power underlie all life, to Thee we pray. Because of Thy mercies we would offer to Thee the fruits of the spirit—love, long suffering, faithfulness, and temperance. Dear Lord, we confess that we too often forget the depth of sincerity, the influence of simplicity, and the conquering force of goodness. May we be clothed with that devotion which shall set forth in actual daily life the grandeur and beauty of character.

We pray for our entire citizenship that it may turn to its most impelling tasks without doubt or fear and with the deepest consciousness of its responsibility. Forbid that any section of our land should stand in the humiliating and dis-

trepping lurid lights of indifference or disunity. O God, others are suffering and waiting, others are surrendering life and love to preserve our heritage. Forbid that untrue criticism and weaknesses should come trooping into our Nation's soul. O America, be not disquieted within thee; hope thou in God, for we shall yet praise Him, who is the health of our countenance. Through Christ and in His name. Amen.

The Journal of the proceedings of Thursday, March 19, 1942, was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 27. Concurrent resolution authorizing certain clerical changes in the enrollment of the bill (S. 2208) to further expedite the prosecution of the war.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1696. An act for the relief of Bessie Walden.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6005) entitled "An act to authorize cases under the Expediting Act of February 11, 1903, to be heard and determined by courts constituted in the same manner as courts constituted to hear and determine cases involving the constitutionality of acts of Congress"; disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCARRAN, Mr. CONNALLY, and Mr. DANAHY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1057) entitled "An act to establish a system of longevity pay for postal employees."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2208) entitled "An act to further expedite the prosecution of the war."

The message also announced that the Senate recedes from its disagreement to the House amendments numbered 32 and 47 to said bill.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Department of the Interior.

3. Department of Labor.
4. Department of the Treasury.
5. Federal Security Agency, Social Security Board.
6. The National Archives.

#### MILITARY AREAS OR ZONES

The SPEAKER laid before the House the following communication from the Clerk of the House:

MARCH 20, 1942.

The honorable the SPEAKER,

House of Representatives.

SIR: Pursuant to the special order agreed to on yesterday the Clerk received from the Secretary of the Senate the engrossed bill of the House of Representatives (H. R. 6758) entitled "An act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones," attested by the Secretary as having passed the Senate without amendment March 19 (legislative day of March 5), 1942.

Yours very truly,

SOUTH TRIMBLE,

Clerk of the House of Representatives.

The SPEAKER. The Chair desires to announce that pursuant to the authority granted to him on March 19, 1942, he did on Friday, March 20, 1942, sign the enrolled bill of the House (H. R. 6758) to provide a penalty for violation of restrictions or orders with respect to persons entering or remaining in or leaving military areas or zones.

#### AMENDMENT OF SELECTIVE TRAINING AND SERVICE ACT

Mr. MAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6738) to limit the initial base pay of \$21 per month for enlisted men in the Army and Marine Corps to those of the seventh grade.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 12 (a) of the Selective Training and Service Act of 1940 (54 Stat. 885) be, and it is hereby, amended by adding the words "of the seventh grade" after the word "men" in line 7 of said section.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain the amendment?

Mr. MAY. Mr. Speaker, when the Selective Training and Service Act was passed, by some oversight or inadvertence a comma was inserted in the wrong place in section 12, and in construing the act the Comptroller General, by reason of the misplacement of that comma, held that soldiers in the seventh grade, which covers the selectees originally selected and all volunteers in the regular services, can be paid only \$21 per month. That is the part of the act which provides that they shall be paid that amount for the first 4 months.

The situation is simply this: The Army is trying to make up a number of divisions to be sent into foreign service to engage in expert and specific work that requires men who cannot afford to be taken out of industry and whom the Army cannot in fact take out of industry and put into such places. For instance,

it requires a mechanic with certain technical knowledge to put together an airplane that is shipped knocked down in a boat. The Army must have men of that type. If it took them, it would have to pay them \$21 per month under the law as it now exists.

Mr. MICHENER. Do I correctly understand the gentleman to say that by reason of wrong punctuation found in the law, the Comptroller General has construed the law differently than the House intended it to be construed?

Mr. MAY. That is exactly the situation. I think it occurred in the consideration of the conference report on the Selective Training and Service Act.

Mr. MICHENER. In other words, a semicolon was put in the bill when a comma should have been used?

Mr. MAY. That is right.

Mr. MICHENER. Is the matter satisfactory to the minority members of the committee?

Mr. ANDREWS. The statement of the chairman is exactly correct.

Mr. RANDOLPH. Reserving the right to object, Mr. Speaker, I have no intention of objecting, but I feel we can cut nonessential spending and give more money to our soldiers. I ask the distinguished chairman of the Committee on Military Affairs if it is not his opinion that Congress should at this time give careful consideration with a view to raising the basic pay of the privates in the Army.

Mr. MAY. I believe such a bill is pending in the House Committee on Military Affairs at this time. We plan to have hearings on it at such time as we can conveniently do so, considering the press of other important legislation.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### COMMITTEE ON NAVAL AFFAIRS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on Naval Affairs be permitted to sit during the sessions of the House for the balance of the week.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

#### SECOND WAR POWERS BILL

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 27.

The Clerk read the resolution, as follows:

*Resolved by the Senate (the House of Representatives concurring), That in enrolling the bill (S. 2208) to further expedite the prosecution of the war, the Secretary of the Senate is authorized and directed to make all necessary corrections in title and section numbers and cross references as may be necessary by reason of the omission from the enrolled bill of title VIII.*

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein an article from the Petroleum World entitled "A Job for the Military," and in another extension to include an article from the San Francisco Call-Bulletin.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent that at the conclusion of the legislative program today and following any special orders heretofore entered I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I am inserting in the Record today an article from the Petroleum World, entitled "A Job for the Military." It appears that our petroleum interests in California are not being properly patrolled, and this article calls the attention of our people to the situation existing there.

A second extension of my remarks has to do with the shortage of rubber. It is stated by the writer of the article I am including in my remarks that we can reclaim 450,000 tons of rubber. If this can be done, I see no reason why it should not be done. An ear should be lent to such suggestions as this. I hope all the Members of the House will read the article.

At the conclusion of the legislative program today I expect to address the House on the subject of the 40-hour week, and I expect to tell Mr. Phil Murray some of the things he ought to know.

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. ROLPH. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks in the Appendix of the Record and to include therein an editorial from the San Francisco Examiner entitled "Fair Trade Practices."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROLPH. Mr. Speaker, I also ask unanimous consent to extend my remarks in the Record and to include an editorial from the San Francisco Call-Bulletin.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. MAHON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, it has been suggested that the Congress recess and go home in order to learn of the attitude of the people on the question of strikes, the 40-hour week, war production, and war profits. I would hate to think that the House is so blind and insensible that it does not already know the wishes of the people on these questions. The wishes of the people have been obvious for a long time, and a Member of Congress who does not now know the will of the people when it is so crystal clear must have an amazing method of isolating himself from the people whom he represents.

Mr. Speaker, in my opinion it will be an outrage if this House votes to recess before voting on legislation effectively suspending the 40-hour week, speeding up production, and eliminating industrial graft and excess profits. Effective legislation should be passed immediately, not at some indefinite future date. MacArthur and his men did not take a recess. They did what was necessary and they did it without delay or hesitation. This Congress can do no less.

For my part, I shall vote against a recess until we have voted on the legislation referred to and I ask for a roll call vote on the record at the proper time on the question of a recess.

In regard to strikes and racketeering, it is only fair to point out that the House last December passed effective legislation, and the bill now reposes in the Senate.

#### JESSE H. POWELL

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

[Mr. COCHRAN addressed the House. His remarks appear in the Appendix.]

#### LETTER TO WAYNE COY

Mr. VORYS of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

[Mr. VORYS of Ohio addressed the House. His remarks appear in the Appendix.]

## EXTENSION OF REMARKS

Mr. ROBERTSON of North Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an article by Roger Babson.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. ROBERTSON of North Dakota. Mr. Speaker, I also ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial from the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

## PERMISSION TO ADDRESS THE HOUSE

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and I also ask unanimous consent that I may be permitted to address the House for 10 minutes today following any previous special order and after the regular legislative program of the day.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

[Mr. SCHULTE addressed the House. His remarks appear in the Appendix.]

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today following any previous special order and the regular legislative program of the day.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute at this time.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I rise to put my head into the lion's mouth and to protest against an editorial appearing in the Washington Daily News entitled "The Speaker Squawks."

In my judgment, the statement of the Speaker of the House commenting on agitation going on throughout the country and pointing out the vast importance of national unity was an altogether proper statement. I found nothing whatsoever in that statement objecting to fair and honest criticism of Congress. In my further judgment, the position of the National Legislature in the United States, regardless of what the opinion of Members of the House or of other people may be about specific issues, is of the most fundamental importance to the preservation of democracy. The very first necessity of dictatorship is destruction of the national legislative body. In my judgment, all the Speaker asked for and all that I am asking for is that people tell the truth when they offer criticism. The Congress can and should stand all honest criticism. But neither this nor any other institution can stand continued

misrepresentation. In this very editorial Congress is taken to task for having provided for "self-allocated pensions for Congressmen." I am wondering whether the writer of the editorial knows that that measure was wiped off the statute books. I believe we must have criticism, we must have debate, we must have disagreements, but we and everyone else must understand that nothing is to be gained for our country by either new dealers or old dealers trying to use this war to try to prosecute their own aims. And when anyone says, "We can have national unity as soon as Congress does just what I want them to do," he is asking something which is quite impossible in a democracy. No one can have his way altogether.

The Speaker of the House is the symbol of the House. I rise to express my protest against this editorial.

[Here the gavel fell.]

## EXTENSION OF REMARKS

Mr. CASEY of Massachusetts. Mr. Speaker, I ask unanimous consent to extend in the RECORD an address delivered by Mr. Archibald MacLeish.

The SPEAKER. Is there objection?

There was no objection.

Mr. CASEY of Massachusetts. Also, Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by the inclusion of an editorial from the Boston Post.

The SPEAKER. Is there objection?

There was no objection.

## JAPANESE LANGUAGE SCHOOLS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HINSHAW. Mr. Speaker, it has been found that the so-called Japanese-language schools have been used for years for the purpose of indoctrinating the American-born children of Japanese descent with the ideals of that country and their ancestry, in order to fasten upon them such ties to Japan as may make them suitable material either for the Japanese Army or Navy, their spy system, or fifth-column work. Many of the graduates of these Japanese-language schools have been required to go to Japan for 1 or 2 years' training and then return to the United States.

Doubtless a good number of those postgraduates are ready and willing to carry out any orders which may be given to them by the Japanese Government, and yet they retain their American citizenship, granted them by virtue of their birth in this country. Similar schools may be operating in this country under the aegis of the Nazi, Fascist, or other foreign governments—in the future, if not now.

The two bills which I have introduced are for the direct purpose of wiping out these educational mills for the production of American-born fifth columnists and saboteurs. I hope that one of these bills will be adopted by the Congress and approved by the President without delay, and I hope that the stronger of the two

will be the one adopted. To let these things go on without legal restriction would be the height of folly.

## VALIDITY OF PROTEST AGAINST CERTAIN LABOR LAWS

Mr. RIZLEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. RIZLEY addressed the House. His remarks appear in the Appendix.]

## EXTENSION OF REMARKS

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend my remarks and include a resolution adopted by the Independent Gas Association of Kansas.

The SPEAKER. Is there objection?

There was no objection.

## FORTY-HOUR WEEK MUST GO

Mr. HOPE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOPE. Mr. Speaker, we cannot afford the luxury of a privileged class in this country at a time when the Nation is fighting for its very life. That is why the 40-hour week must go. While our soldiers and sailors, our farmers and small business men, and millions of other American citizens are working long and sometimes unlimited hours to prepare the Nation for victory, we have a special group whose leaders declare that its members will not work more than 40 hours per week unless they receive a pay increase of 50 percent. I do not believe that the workingmen of this country want to put themselves in a privileged class. I think that they want to do their part without favoritism or special privileges.

I believe that if you would leave the matter to these patriotic American workingmen the vote would be overwhelming to do away with the 40-hour week. I believe that if the leaders of labor organizations are wise and farsighted they will agree with the almost unanimous sentiment of other Americans that for the duration of this emergency there must be no 40-hour week, no time and a half for overtime, and no special privileges for any group or class in this country.

## LABOR RACKETEERS

Mr. COFFEE of Nebraska. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. COFFEE of Nebraska. Mr. Speaker, the people of this Nation are aroused because the labor racketeers are permitted to take advantage of the national emergency to force closed-shop agreements and other unjustifiable demands on industries engaged in war production. Each group and every individual in this country must be willing to make sacrifices to win this war. We must speedily increase war production. We cannot expect to obtain national unity and maximum production until Congress curbs the labor racketeers and the war profiteers.

The rank and file of labor are patriotic and willing to make sacrifices. It is the racketeers who are forcing the workers to pay tribute before they are permitted to contribute their skill toward increasing our war production. The 40-hour week should be suspended during this war period. The open shop must be preserved on Government contracts.

Industry and organized labor are not alone concerned in these wage agreements. The public everywhere is vitally concerned. The people of Nebraska are deeply concerned in the terms of the wage agreement now being negotiated in Detroit between General Motors and the C. I. O. They know they must help pay the bill.

The elimination of double time on Sundays will not satisfy the people of this Nation. If this Congress refuses to pass the necessary labor legislation, you may be assured an aroused public will send a Congress here that will take the necessary action.

#### CENTRAL VALLEY PROJECT

Mr. ELLIOTT of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

[Mr. ELLIOTT of California addressed the House. His remarks appear in the Appendix.]

#### EXTENSION OF REMARKS

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the Nashville Tennessean.

The SPEAKER. Is there objection?

There was no objection.

Mr. GUYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter from Prof. R. A. Schwegler, Sr., of the University of Kansas.

The SPEAKER. Is there objection?

There was no objection.

Mr. GUYER. Mr. Speaker, also I ask unanimous consent to extend my remarks in the RECORD by the inclusion of an editorial from the Fort Scott Tribune.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLOESER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the St. Louis Globe-Democrat.

The SPEAKER. Is there objection?

There was no objection.

#### L. METCALFE WALLING

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARDEN. Mr. Speaker, I have asked this time to read a paragraph from an editorial appearing in this morning's Washington Post, which is as follows:

#### MR. WALLING'S SMEAR

No more irresponsible statement has come to our attention since the war began than

that of L. Metcalfe Walling, recently appointed Administrator of the Wage and Hour Division, before the National Consumers League in New York on Saturday. "The Nazi propaganda machine," Mr. Walling is quoted as saying, "is behind this whole movement to do away with wage-and-hour standards, although I cannot cite chapter and verse, and the newspapers have been taken in."

I suggest, Mr. Speaker, that we send a committee down to Mr. Walling and inform him that this Nation is at war, and at the same time invite him to the Capitol to appear before a committee and give that committee some of this valuable information which he claims to have.

#### LABOR IN DEFENSE INDUSTRIES

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. McGEHEE addressed the House. His remarks appear in the Appendix.]

#### EXTENSION OF REMARKS

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include therein extracts from two letters concerning reclamation.

The SPEAKER. Is there objection?

There was no objection.

Mr. PADDOCK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include a letter from a constituent.

The SPEAKER. Is there objection?

There was no objection.

Mr. YOUNGDAHL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the Minneapolis Daily Times.

The SPEAKER. Is there objection?

There was no objection.

#### YOU CAN'T MAKE AIRPLANES OUT OF TAX EXEMPTIONS

Mr. HILL of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILL of Colorado. Mr. Speaker, the gentleman from Missouri recently sponsored a bill to exempt defense contractors, subcontractors, and sub-subcontractors from the payment of one and a half to two billions of State taxes. On this floor last Tuesday he said that if his bill were to be passed it would pay for 20,000 fighting airplanes, 180 destroyers, or 333 submarines. He implied that if we pass the bill we will get that many airplanes, destroyers, or submarines.

If he is right, then we ought to pass two or three bills like this. If he is right, we ought to exempt all these contractors from all of their Federal taxes, too. But Donald Nelson knows, and we know, that you cannot make planes or destroyers or submarines either by passing bills or by exempting anybody from taxes. The gentleman from Missouri should find that out.

Planes and destroyers and submarines can be made only out of materials which have to be transported to the places

where they are needed, and by workers who must live in security. The States must keep the roads in repair for the heavy trucks. They must maintain police and fire protection and sewage disposal and other services for defense workers. If they do not we can all expect the defense program to slow down. If we take away the funds with which they maintain these services, we can expect some hearty guffaws from Berlin and Tokyo, but we can hardly expect any applause from General MacArthur.

It was a mistake to introduce this bill. A worse mistake would be to bring it up for a vote. The worst possible mistake would be to pass it.

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. FULMER. Mr. Speaker, I have two unanimous consent requests. I ask unanimous consent to extend my remarks in the RECORD in two instances and that I may be permitted to insert in each of those a short letter.

The SPEAKER. Is there objection?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to extend my remarks by including in the Appendix a letter from the Pennsylvania State administrator of the National Youth Administration.

The SPEAKER. Is there objection?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and include therein an editorial on compulsory savings appearing in the Oregon Democrat News.

The SPEAKER. Is there objection?

There was no objection.

(By unanimous consent, Mr. COPENLAND was granted permission to extend his own remarks.)

#### HON. PHILIP F. LA FOLLETTE

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend my remarks and include therein an article written by former Gov. Philip F. La Follette.

The SPEAKER. Is there objection?

There was no objection.

[Mr. GEHRMANN addressed the House. His remarks appear in the Appendix.]

#### LABOR IN DEFENSE INDUSTRIES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, I desire to read to the House a telegram addressed to me this morning:

DETROIT, MICH., March 22, 1942.

Representative HOWARD SMITH,  
House Office Building, Washington, D. C.:

Your recent recommendations to Congress are most heartening. Since our last meeting we have been forced to operate continually under severe and never-ending attacks by antique craft labor union in spite of 100-percent cooperation under our own Congress of Industrial Organizations contract. Since December 1, we have started mass production of 1,500 housing units, nearly one-half on direct and urgent War Department orders for Sault Ste. Marie, Mich., Army post. Each of our projects and

all our plants have been and are now harassed by pickets who make every effort to cripple our efforts. Their unwarranted attacks have seriously hampered our production. These pickets represent no Currier employees; they make no demands, formal or informal, on management; they simply wreck production and stifle our sincere attempt to help house America's defenders in factory and field. Is there no recourse from such irresponsible action? Does not this case make liars of labor leaders who solemnly promise full defense cooperation? Does it not arouse natural suspicion of fifth-column activity? We urge an immediate and thorough investigation of this pitiful condition which harasses American efforts and seems to give aid and comfort to our enemies.

CURRIER LUMBER Co.,  
P. J. CURRIER, President.

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks and include two editorials from the Chicago Times.

The SPEAKER. Is there objection?  
There was no objection.

MR. GEORGE E. SULLIVAN

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?  
There was no objection.

Mr. SABATH. Mr. Speaker, on March 11 I made a speech on the floor and then inserted certain names of those who have been used by Mr. George Sylvester Viereck, the chief Nazi operative in the United States. Among those names was included that of Mr. George E. Sullivan, who has called to my attention, by a very strong letter, that he was not "Slap-Happy Eddie" Sullivan, and that he was not an investigator for the Dies committee. The boys in the office inadvertently used the name George E. Sullivan instead of the Sullivan who was so known and who was an investigator for the Dies committee.

I desire to correct the RECORD to show that Mr. George E. Sullivan is not "Slap-Happy Eddie" Sullivan and was not an investigator for the Dies committee. As I stated, Mr. George E. Sullivan was attorney for former Congressman Thorkelson, as he admits in his letter. I also recollect that he wrote an article which Thorkelson inserted in the CONGRESSIONAL RECORD June 7, 1940, which article with others were disseminated by James True and other intolerant propagandists.

In his letter Mr. George E. Sullivan states to me that he is not a Nazi and that he is more opposed to them than I am, and that he has written a certain book, which I regret I did not have time to read. But from his letter, unfortunately, it does appear that he does believe in the Nazi ideology.

I hope that all these gentlemen by this time will come to realize that this is not for the best interest of the country—to create discord, prejudice, and intolerance in our country.

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. PAGÁN. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter replying to some information about Puerto Rico, published in the magazine the New Republic.

The SPEAKER. Is there objection?  
There was no objection.

Mr. GRANT of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement filed by me with the Ways and Means Committee.

The SPEAKER. Is there objection?  
There was no objection.

Mr. HOFFMAN. Mr. Speaker, I desire to submit three requests. I ask unanimous consent that I may revise and further extend in the Appendix of the RECORD matter that I extended in the Appendix of the RECORD on the 16th of March.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Second, Mr. Speakers, I ask unanimous consent to extend my own remarks in the RECORD; and third, I ask unanimous consent to address the House for 1 minute and to revise and extend these remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### LABOR POLICIES

Mr. HOFFMAN. Mr. Speaker, the gentleman from Indiana [Mr. SCHULTE] and the gentleman from North Carolina [Mr. BARDEN] referred to the statement made on Saturday by Mr. Walling, in which he said that these letters demanding labor legislation we have been receiving are inspired by the Nazis. Mr. Walling is either unaware of the authorship of those letters or he does not tell us the fact. The gentleman from North Carolina [Mr. BARDEN] suggested that Walling be called before a committee of the House. Anticipating there would be some such suggestion, I prepared a resolution this morning asking for the appointment of a committee so that this gentleman may come up and be sworn and that we may learn whether he is willfully misrepresenting what he does know or whether he does not know what he is talking about, or whether he is just spreading propaganda to keep us from representing our constituents here.

[Here the gavel fell.]

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, the most conclusive proof that the country is aroused about this labor situation is the fact that the high moguls of the C. I. O. met in Washington yesterday, came here from all over the country, and they are offering to give up Sunday double time and the extension of the closed

shop for the duration. They know that this country is aroused but they want to hold the big baby, time and a half for over 40 hours, and that is the thing when that bill was passed that that was intended to discourage the employer most positively. I sat in on all the joint hearings of the two committees. The idea was that it would spread labor and penalize the employer if he worked men over 40 hours. Now they insist on penalizing Uncle Sam, the greatest employer, and make a racket of it in a national emergency when hours of labor are badly needed and when hourly pay is superhigh. We should not recess till this law is set aside.

[Here the gavel fell.]

#### LABOR-UNION DUES

Mr. BOREN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BOREN. Mr. Speaker, I have numerous letters and affidavits from Oklahoma indicating that it is a widespread, if not universal, practice on defense projects in Oklahoma to make exorbitant fees and dues a condition of receiving employment on those projects, and also indicating that a man receiving employment on that basis, after paying such tribute, very frequently as soon as the tribute was completely paid was put off the job in order that a new employee might be put on, who would pay another exorbitant fee. Indications are that this is of such widespread practice that, in my judgment, the Congress should investigate the circumstances on all the defense projects. I propose to introduce a resolution indicating the need of such investigation and providing such an investigation with a view to bringing out legislation that will put a stop to such practice.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. GREEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. GREEN addressed the House. His remarks appear in the Appendix.]

#### EXTENSION OF REMARKS

Mr. GREEN. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a resolution from the Citrus Exchange.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. RANKIN of Mississippi addressed the House. His remarks appear in the Appendix.]

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. Cox]?

There was no objection.

Mr. COX. Mr. Speaker, I quarrel with no man because of difference of opinion. While I might not like what some people say, I do not think we can afford to dignify a charge similar to the one against which the gentleman from Michigan [Mr. HOFFMAN] complained of a few minutes ago by seriously considering a congressional investigation.

There has been talk about the House taking a spring recess. That is fine. I would like to see every Member given a couple of weeks' rest, but we might just as well settle that question in our minds right now. Public sentiment is not going to let us go home until we do something with reference to the labor situation. I have said in the past and I say again that next to the stand of MacArthur and his men in the Philippines this expression of discontent and dissatisfaction on the part of the public is the finest exhibition of America in action that I have witnessed in many years.

Mr. HOFFMAN. Will the gentleman yield?

Mr. COX. I yield to the gentleman from Michigan.

Mr. HOFFMAN. Mr. Walling is the administrator of the wage-hour law.

[Here the gavel fell.]

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman from Vermont [Mr. PLUMLEY] may address the House for 10 minutes tomorrow after all business on the Speaker's table has been disposed of and at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

#### PROGRAM FOR BALANCE OF WEEK

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute?

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. MICHENER. Mr. Speaker, may I ask the able majority leader what the program for the rest of the week will be, and also if he can indicate in any way what the program will be for next week?

Mr. McCORMACK. Mr. Speaker, the program for the rest of the week is about as follows: Today is District day. On tomorrow the Interior Department appropriation will be taken up, and the consideration of that bill will probably require Tuesday, Wednesday, and Thursday. Then there is a deficiency bill, and, of course, the time that is taken up depends on when the Interior appropriation bill will be finished. The deficiency bill contains a \$17,000,000,000-plus recommendation recently made by the President. It is hoped that bill will be finished by Saturday. I do not know whether that will take all day Friday and

Saturday or not. It is hoped that it may be finished by Saturday. There will be some conference reports, at least one, that will come up. Outside of that, I know of no other legislation.

Mr. MAY. May I inquire if the deficiency bill that is to come up contains any items other than the \$17,000,000,000?

Mr. McCORMACK. I think it does; yes.

Mr. MAY. I would like to know what they are.

Mr. TABER. There are 15 pages of other items. Some of them are small, some of them large, but none of them very large. There are about \$700,000,000 in estimates for the Navy in addition to the \$17,000,000,000 for the Army.

Mr. McCORMACK. I thank the gentleman from New York.

So far as next week is concerned, I have no knowledge of any legislation coming up next week. Of course, the Members have worked very hard, and the House has done a very good job, as we look over the whole picture. With the deficiency appropriation bill out of the way, so far as the House is concerned, I know of nothing important for next week that will come out of any committee.

Reference is made to labor legislation. Of course, the House cannot act until a committee reports. What the situation will be I am unable to state now, but I assume the House will be advised some time later in the week from a proper source. Perhaps the chairman of the committee will some time later in the week take the House into his confidence as to when he thinks his committee might report a bill out of the committee, if the committee does report a bill.

It is my personal desire, it is my personal hope, that the House will take a recess. Of course, there is no such thing as a permanent recess. I mean a recess of 3 days at a time.

Mr. MICHENER. Right along that line, nearly the whole morning has been taken up by 1-minute speeches in opposition to having any recess until something is done in connection with labor legislation introduced and now pending before committees. May I hope that the distinguished majority leader will confer with the members of the administration, especially with the leaders who appeared before the committees in opposition to any labor regulatory legislation, and see if something cannot be worked out that will help to assure the earliest possible successful conclusion of the war with the least cost in blood and treasure. The majority leader knows and I know there is no possibility of enacting legislation concerning labor as long as those charged with the war production program and the President take the position they do in reference to it. When the representatives of the President come before the committees and insist that this legislation would be detrimental to the war program, it places the House in a rather peculiar position.

The country should fully understand this situation. If the President will but indicate a willingness for legislation, the purpose of which is to eliminate strikes and provide for wartime working hours during the emergency, the Congress un-

doubtedly will act. Without that consent there is little prospect.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Georgia.

Mr. COX. I wonder if the gentleman from Massachusetts does not agree with me that public opinion is such that this House could not take a recess prior to doing something with reference to the labor situation without giving grievous offense.

Mr. McCORMACK. The gentleman from Georgia has his own opinion, and I thoroughly respect it, just as he said a moment ago he respects the opinions of others with whom he may disagree. I believe there are certain sections of the country—and I say this without going into the issues involved—that certainly have been given information about as incomplete and as inconsistent with the truth as I have ever heard. If the gentleman would talk about the country as a whole, I would give one answer to his question, but if he should ask me about certain sections of the country, my answer would be entirely different. In certain sections of the country the people have certainly been given an awful lot of misinformation.

Mr. COX. As to the communities where there is an abundance of evidence of an angry public opinion, I wonder if the gentleman would agree with me that that aroused and indignant public opinion is because of the trickling in of a little of the truth rather than the dissemination of false information.

Mr. McCORMACK. The gentleman is asking a hypothetical question.

Mr. COX. That is where we differ.

Mr. McCORMACK. For example, I think one of the most vicious things is to compare the man who is working with the man in the Army who is getting \$21 a month for the first 4 months. I served as a private in the Army and got \$30 a month. Certainly I did not think that because I got \$30 a month I should attack a man who was married, with a wife and children dependent upon him. Such a man has his responsibilities. He gets a much larger salary but he has to pay his rent, he has to pay for his clothing, his food and everything else, not only for himself but for his wife and children. I think that is an unfair if not an odious comparison, yet it is one that is sold to the country.

Mr. COX. Is not the responsibility that rests upon the married man or the man holding a lucrative job just as great as the responsibility on the boy who has been taken from school and sent into the Army?

Mr. McCORMACK. It happened that I had been a lawyer for 6 or 7 years when I enlisted as a private, but I certainly would not compare my financial situation as a private in the Army with the lawyer in private life who has to bear the responsibilities and the expenses of private life.

Mr. COX. Does not the greater responsibility rest upon the man who has the experience?

Mr. McCORMACK. Responsibility rests upon everyone; but the man in civil-

ian life certainly has greater financial burden and greater obligations than the man in the service.

Mr. MICHENER. Mr. Speaker, we are getting a long way away from the program about which I inquired.

[Here the gavel fell.]

#### REPUBLICAN RIVER COMPACT

Mr. WHITE. Mr. Speaker, I call up the conference report on the bill (H. R. 5945) to provide for granting the consent of Congress to a compact entered into by the States of Colorado, Kansas, and Nebraska, with respect to the use of the waters of the Republican River Basin, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5945) to provide for granting the consent of Congress to a compact entered into by the States of Colorado, Kansas, and Nebraska with respect to the use of the waters of the Republican River Basin, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreements to the amendment of the Senate to the bill.

COMPTON I. WHITE,  
JOHN R. MURDOCK,  
DEWEY SHORT,  
THOMAS WINTER,  
*Managers on the part of the House.*

J. H. BANKHEAD,  
JOHN H. OVERTON,  
PAT MCCARRAN,  
CHARLES L. McNARY,  
*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5945) granting the consent of Congress to a compact entered into by the States of Colorado, Kansas, and Nebraska with respect to the use of the waters of the Republican River Basin, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The Senate amendment agreed with the House bill as passed insofar as the compact between the States was concerned, but did not conform to the last three sections of the bill which provided for the Federal Government to make proposals with respect to compacts between States. After full discussion, the managers on the part of the House came to a full agreement and receded from their position with respect to the three sections referred to and accepted the Senate amendment.

COMPTON I. WHITE,  
JOHN R. MURDOCK,  
DEWEY SHORT,  
THOMAS WINTER,  
*Managers on the part of the House.*

Mr. STEFAN. Mr. Speaker, will the gentleman explain the conference report?

Mr. WHITE. I may say for the benefit of the gentleman from Nebraska that the conference report is the result of an

agreement between the conferees of the House and the Senate. It is a report of the minority as well as the majority and was unanimously accepted by all concerned.

Mr. MICHENER. What does it do?

Mr. WHITE. It ratifies the compact that has been entered into by the States of Colorado, Kansas, and Nebraska with regard to the use of the waters of the Republican River. It goes along with the ideas of the people from those States as expressed by their legislatures.

Mr. STEFAN. Those of us from Nebraska are very much interested in this matter as it affects the Republican River in Nebraska. How does this conference report affect the Republican River in Nebraska?

Mr. WHITE. The water that is covered by the compact is divided in accordance with the compact between the States.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. WHITE. I yield.

Mr. MICHENER. These compacts between States are sometimes of vital importance to the Nation; in fact, the compacts are so important that States cannot enter into those compacts with each other without the express consent of the Congress.

As I take it, this bill to which the gentleman refers provides for the entering into of a compact or agreement between certain States affecting some particular thing in which those particular States have a particular interest. Now, the House passed the bill permitting a compact. The matter went to the Senate and the Senate passed a bill permitting a compact, but there was some difference between the House and the Senate bills and the conferees have composed those differences. Now just what are the differences composed by the conferees?

Mr. WHITE. I think, if the gentleman will read the report, he will find out that the best interests of all the States through which the Republican River flows are safeguarded.

Mr. MICHENER. The conference report is not available.

Mr. WHITE. I think the gentleman will find that those things have been taken care of and that the rights of the several States have been fully protected.

Mr. MICHENER. The gentleman has asked me to read the report, but the report is not available.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. Will the gentleman yield to me, Mr. Speaker?

Mr. WHITE. I am yielding to the gentleman from the State of Michigan [Mr. MICHENER]. I may say that the Representatives from the States of Kansas and Nebraska and Colorado have been consulted. Lengthy hearings have been had on the bill, an agreement has been reached, and it has been approved by the Members from these particular States in the House. It has also been approved by the ranking Member on the gentleman's side of the House, and it is now entirely unanimous.

Mr. MICHENER. I may say to the gentleman from Idaho that since I inquired a second ago, I have been fur-

nished with the report which the gentleman from Idaho asked me to read. I have the report in my hand and it is about five or six lines long and simply says that the conferees have agreed. It does not say upon what you have agreed. I believe the House would like to have the distinguished gentleman from Idaho tell us about what the conferees have agreed upon.

Mr. HILL of Colorado. Mr. Speaker, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Colorado.

Mr. HILL of Colorado. I simply want to say that the Legislatures of Colorado, Nebraska, and Kansas agreed on the manner and method of dividing the water between the three States on this particular river, which is the Republican River. The Kansas Legislature, both the house and the senate, approved this compact. The Colorado Legislature, both the house and the senate, approved this compact. The Nebraska Legislature, both the house and the senate, approved this compact. Then it had to come back here to the Federal Government to have it approved here. Now what more do you want from the State of Michigan other than the fact that these three great States have agreed on the division of this water?

Mr. MICHENER. If I may be permitted to answer the gentleman, I may say that after the gentleman has been here some time and has gone over a lot of these compacts and understands the distribution of water in these Western States—and I do not come from that section myself—he will find that very often States upstream enter into compacts as to the distribution of water which is very agreeable to the States upstream, but to the lower riparian owners and the States downstream below those States the compacts might mean destruction to the lower States. This is the very purpose and reason that these matters must and should come before the Congress, and the facts should be explained to the Congress, other than simply to say that the two or three States that want to take the water out of a public stream and convert it to their own use should control even though they have agreed. I have not heard anything from the lower water users. Maybe they are satisfied, but I am speaking in their behalf.

Mr. WHITE. I will state to the gentleman from Michigan that I did not know that the water of the Republican River ran through the State of Michigan, and I will say further that all the States through which this river passes are in agreement and in accord and are parties to this compact.

Mr. MICHENER. If the gentleman does not have any more definite information than that about it, certainly this conference report should not be accepted.

Mr. ROBINSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. WHITE. I yield.

Mr. MICHENER. The gentleman from Utah is a man who knows something about it.

Mr. ROBINSON of Utah. I think I can explain the matter in just a minute. This bill was heard by the Committee on Reclamation and Irrigation of the House,

was very carefully considered, and that committee thought certain amendments should be made to the compact which would explain the compact. Those amendments were proposed by the various departments, and when the bill was considered by the Senate, the Senate was opposed to these amendments and thought that the way the question should be handled would be to agree to the compact as it was entered into between the States, because if that was not done, then the compact would have to go back to the State legislatures.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. Yes; I will yield, but I think I will come to the point the gentleman has in mind in just a minute.

There was a disagreement as to whether these amendments should be put in the bill or not. The House conferees have agreed with the Senate that the amendments are really not necessary and that the compact should be agreed to as it was passed by the three States. The three State legislatures have passed this compact and it is agreeable to all the people on the river and there is nothing with reference to it in dispute. Long hearings were had and the only thing in dispute and the only thing that the conferees were to decide upon was whether or not certain amendments that were proposed to the compact were necessary. The House conferees have concluded, after conference with the Senate, that these amendments are not necessary and should not be adopted, because if they were adopted the compact would have to go back to the respective State legislatures.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. Yes.

Mr. CURTIS. And all of these States in any way affected by this basin are signatory States to this compact.

Mr. ROBINSON of Utah. That is correct.

Mr. CURTIS. And if they were not it would not bind any State that was not a party to it?

Mr. ROBINSON of Utah. That is correct, as I understand it.

Mr. CURTIS. And the fundamental purpose of this compact is to divide the water by volume for its use in the various States?

Mr. ROBINSON of Utah. That is also correct.

Mr. CURTIS. And no one raises objection to that?

Mr. ROBINSON of Utah. No.

Mr. CURTIS. No Government department or agency?

Mr. ROBINSON of Utah. Not so far as I am informed.

Mr. STEFAN. And it is perfectly agreeable to the State legislatures?

Mr. ROBINSON of Utah. Yes. The only question involved was the question of nonnavigability, and the Department felt that it should be explained in the way the amendments provided.

Mr. CURTIS. And is it not also true that so far as this bill is concerned, it involves no authorization or appropri-

tion or contemplated Federal work of any kind?

Mr. ROBINSON of Utah. None whatever.

Mr. MICHENER. It is just one of the ordinary compacts?

Mr. ROBINSON of Utah. That is correct.

Mr. MICHENER. The thing that I am vitally interested in is this. Does this compact affect the lower basin?

Mr. ROBINSON of Utah. It does not, and the lower basins made no objection, after careful hearing. It was a unanimous vote in the Senate and a unanimous vote in the House, with the exception of these amendments, and the House concluded that it would be better not to amend it, due to the fact that it would have to go back to the State legislatures.

Mr. MICHENER. The gentleman is familiar with cases where States have entered into compacts as to the use of water, and such use prevented the water getting back into the streams.

Mr. ROBINSON of Utah. Yes; I am.

Mr. MICHENER. And it is possible for some States to enter into compacts for the use of water, and thereby prevent any of that water from getting back into the stream and serving those below to any extent?

Mr. ROBINSON of Utah. That is correct, but every State interested in this is satisfied.

Mr. COFFEE of Nebraska. And is it not a fact that no new precedent is established in reference to this compact?

Mr. ROBINSON of Utah. That is correct also.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to, and a motion to reconsider laid on the table.

#### PERMISSION TO SPEAK FOR 1 MINUTE

Mr. GREEN. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER. The gentleman has already had permission to speak for 1 minute today, has he not?

Mr. GREEN. Yes.

The SPEAKER. The Chair will not recognize the gentleman to speak again the same day under the 1-minute program.

#### A CEILING ON WAGES

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, the United States News has asked a number of Members whether we believed Congress should place a ceiling on wages to prevent inflation. This was my reply:

If we really intend to control prices and prevent inflation, of course, Congress will have to place a ceiling on wages as on other things.

How can you control the price of coal or lumber or cotton or steel or laundry if there is no ceiling on wages of any other product where labor is a large or even important item in cost?

It should be remembered, however, that when you fix a ceiling the fluctuation will be below that level, not at it and never above it. Only peak wages will ever touch it.

Your letter referred to farm prices held at approximately 110 percent of parity. That is a common but tragic delusion. A ceiling of 110 percent does not bring prices to that point. It stops them there. The fluctuation is all below that point. Farm prices will reach it, if ever, once or twice a year. They probably will not average plain parity; certainly they cannot if wages are free to soar.

The point should be remembered, however, in thinking of a ceiling for wages. Only peak wages, not average wages, will ever reach the ceiling.

#### RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following communications.

The Clerk read as follows:

MARCH 20, 1942.

HON. SAM RAYBURN,  
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby tender my resignation, effective March 20, 1942, as a member of the Committee on the District of Columbia.

Sincerely yours,

HARRY SAUTHOFF.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

#### DISTRICT OF COLUMBIA LEGISLATION

The SPEAKER. This is District of Columbia day.

The gentleman from West Virginia [Mr. RANDOLPH] is recognized.

Mr. RANDOLPH. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. McGEHEE] for the purpose of presenting a conference report.

#### CONSOLIDATING POLICE AND MUNICIPAL COURTS OF THE DISTRICT OF COLUMBIA

Mr. McGEHEE, from the Committee on the District of Columbia, submitted the following conference report and statement on the bill (H. R. 5784) to consolidate the police and municipal courts of the District of Columbia, and for other purposes, for printing in the RECORD:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5784) to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as "The Municipal Court for the District of Columbia", to create "The Municipal Court of Appeals for the District of Columbia", and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, be, and they are hereby,

consolidated into a single court to be known as "The Municipal Court for the District of Columbia."

THE MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

"The court shall consist of ten judges appointed by the President with the advice and consent of the Senate, one of whom shall be designated by the President as chief judge.

"The terms of the judges shall be in accordance with the following schedule: The first two appointments shall be for a term of ten years each; the second two appointments shall be for a term of eight years each; and the remaining six appointments shall be for a term of six years each. The judges of the Police and Municipal Courts of the District of Columbia holding office on the effective date of this Act shall, however, serve as judges of The Municipal Court for the District of Columbia hereby created until the expiration of their respective commissions and until their successors are appointed and qualified.

"The Court shall adopt and have a seal, and shall be a court of record.

"Sec. 2. Subsequent appointments and reappointments to this court shall be for a term of ten years each. All judges shall continue in office until their successors shall be appointed and qualified. Each judge shall be subject to removal only in the manner and for the same causes as are now or hereafter provided for the removal of Federal judges. The salary of the chief judge shall be \$8,500 per annum and the salary of each associate judge shall be \$8,000 per annum. Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States. No person other than a bona fide resident of the District of Columbia, and maintaining an actual place of abode therein for at least five years immediately prior to his appointment, or who shall have been a judge of one of the courts of the District of Columbia, shall be appointed a judge of The Municipal Court for the District of Columbia: *Provided, however*, That not more than two non-resident persons may be appointed and serve as judges of the said Municipal Court at any one time. Further, all appointees shall have been actively engaged in the practice of the law in the District of Columbia for a period of at least five years immediately prior to their appointment. Service during the present emergency in the armed forces of the United States shall be included in the computation of the five-year requirements herein specified.

"Sec. 3. (a) The chief judge shall, from time to time and for such period or periods as he may determine, designate the judges to preside and attend at the various branches and sessions of the court. He shall have the power to determine the number and fix the time of the various sessions of the court, to arrange the business of the court, and to divide it and assign it among the judges. He shall also be charged with the general administration and superintendence of the business of the court.

"(b) The chief judge shall give his attention to the discharge of the duties especially pertaining to his office, and to the performance of such additional judicial work as he may be able to perform.

"(c) It shall be the duty of the chief judge and the associate judges to meet together at least once in each month in each year, at such time as may be designated by the chief judge, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them.

"It shall be the duty of each associate judge to attend and serve at any branch or session of the court to which he is assigned. Each associate judge shall submit to the chief judge a monthly report in writing of the duties performed by him, which report shall specify the number of days attendance in court of such judge during said month, and

the branch courts upon which he has attended, and the number of hours per day of such attendance, and such other data as may be required by the chief judge, and in such form as the chief judge shall require.

"The chief judge shall submit to the Attorney General of the United States and to the Commissioners of the District of Columbia a quarterly report in writing of the business of the court and of the duties performed by each of the judges of the court during the preceding three months. A copy of said report shall be filed in the office of the clerk of the court and shall be available and subject to public inspection during business hours.

"In the event of the absence, disability, or disqualification of the chief judge, his duties shall devolve upon and be performed by the other judges in the order of seniority of their commissions.

"Each judge shall be entitled to vacation, which shall not exceed thirty-six court days in any one calendar year, and which shall be taken at such times as may be determined by the chief judge.

"The court shall have authority to appoint and remove a clerk of the court, whose salary shall be fixed by the court in accordance with the Classification Act of 1923, as amended, and the clerk so appointed shall have and exercise the powers and authority heretofore had or exercised by the clerk of the Police Court of the District of Columbia and the clerk of the Municipal Court of the District of Columbia.

"The clerk of the court shall have authority, subject to the approval of the chief judge, to appoint and remove such deputy clerks and such other employees as he may deem necessary, and to have their compensation fixed by the chief judge in accordance with the Classification Act of 1923, as amended, and shall have supervision and direction over them, except clerks serving the respective judges, who shall be appointed and removed from office by the respective judges, their compensation to be fixed by the respective judges in accordance with the Classification Act of 1923, as amended.

"The court shall have authority to appoint and remove a probation officer of the court, whose salary shall be fixed by the court in accordance with the Classification Act of 1923, as amended, and the probation officer so appointed shall have and exercise the powers and authority heretofore had or exercised by the probation officer of the Police Court of the District of Columbia.

"The probation officer of the court, subject to the approval of the chief judge, shall have authority to appoint and remove such assistant probation officers and such other employees of the probation office as he may deem necessary, and to have their compensation fixed by the chief judge in accordance with the Classification Act of 1923, as amended, and shall have supervision and direction over them.

"All officials and employees of the Police Court of the District of Columbia and of the Municipal Court of the District of Columbia holding office on the effective date of this Act shall continue in office unless and until they are removed therefrom; and all appropriations for the said Police Court or the said Municipal Court shall be available for the payment of the salaries and expenses of The Municipal Court for the District of Columbia as hereby established.

"Sec. 4. (a) The Municipal Court for the District of Columbia, as established by this Act, shall consist of a criminal and a civil branch. The court and each judge thereof shall have and exercise the same powers and jurisdiction as were heretofore had or exercised by the Police Court of the District of Columbia or by the Municipal Court of the District of Columbia or the judges thereof on the effective date of this Act, and in addition

the said court shall have exclusive jurisdiction of civil actions, including counterclaims and crossclaims, in which the claimed value of personal property or the debt or damages claimed, exclusive of interest, attorneys' fees, protest fees, and costs, does not exceed the sum of \$3,000 and, in addition, shall also have exclusive jurisdiction of such actions against executors, administrators and other fiduciaries: *Provided, however*, That the District Court of the United States for the District of Columbia shall have jurisdiction of counterclaims and cross claims interposed in actions over which it has jurisdiction. The court shall also have jurisdiction over all cases properly pending in the Municipal Court of the District of Columbia or the Police Court of the District of Columbia on the effective date of this Act.

"(b) Service of process in the criminal division of the court shall be had as provided under existing law for the Police Court of the District of Columbia; service of process in the civil division of the court shall be had as provided under existing law for the Municipal Court of the District of Columbia, or in such other manner as may be prescribed by rules of court.

"(c) All judgments entered by The Municipal Court for the District of Columbia on or after the effective date of this Act shall remain in force for six years and no longer unless the same be docketed in the office of the clerk of the District Court of the United States for the District of Columbia. Upon payment of a fee of 50 cents the clerk of The Municipal Court for the District of Columbia shall prepare a copy of any judgment of the said court whether heretofore rendered and in force and effective on the effective date of this Act or hereafter rendered, and the same upon being docketed with the clerk of said District Court shall have the same force and effect for all purposes as if it had been a judgment of said District Court. For the docketing of the same the clerk of said District Court shall charge a fee of 50 cents.

"Sec. 5. (a) If, in any action, other than an action for equitable relief, pending on the effective date of this Act or thereafter commenced in the District Court of the United States for the District of Columbia, it shall appear to the satisfaction of the court at any pretrial hearing thereof that the action will not justify a judgment in excess of \$1,000, the court may certify such action to The Municipal Court for the District of Columbia for trial. The pleadings in such action, together with a copy of the docket entries and of any orders heretofore entered therein, shall be sent to the clerk of the said Municipal Court, together with the deposit for costs, and the case shall be called for trial in that court promptly thereafter; and shall thereafter be treated as though it had been filed originally in the said Municipal Court, except that the jurisdiction of that court shall extend to the amount claimed in such action, even though it exceed the sum of \$3,000.

"(b) The Municipal Court for the District of Columbia shall have the power and is hereby directed to prescribe, by rules, the forms of process, writs, pleadings and motions, and practice and procedure in such court, to provide for the efficient administration of justice, and the same shall conform as nearly as may be practicable to the forms, practice, and procedure now obtaining under the Federal Rules of Civil Procedure. Said rules shall not abridge, enlarge, or modify the substantive rights of any litigant. After their effective date all laws in conflict therewith shall be of no further force or effect: *Provided, however*, That nothing in this section shall be construed to require any change in the existing rules, procedure, or practice now in effect in the small claims and conciliation branch of the presently constituted Municipal Court of the District of Columbia; nor shall this Act or any section thereof in any way repeal or modify the provisions of

the Act of March 5, 1938 (52 Stat. 103, ch. 43), establishing said small claims and conciliation branch.

"(c) The Municipal Court for the District of Columbia shall have the power to compel the attendance of witnesses from any part of the District of Columbia by attachment, and any judge thereof shall have the power to punish for disobedience of any order, or contempt committed in the presence of the Court by a fine not exceeding \$50 or imprisonment not exceeding thirty days.

**"THE MUNICIPAL COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA**

"Sec. 6. There is hereby established and created an intermediate appellate court for the District of Columbia to be known as 'The Municipal Court of Appeals for the District of Columbia' for the hearing of appeals from judgments and orders of The Municipal Court for the District of Columbia as established by this Act, and of the Juvenile Court of the District of Columbia, as hereinafter provided.

"The court shall adopt and have a seal, and shall be a court of record.

"The said court shall consist of three judges appointed by the President with the advice and consent of the Senate, two of whom shall constitute a quorum, and one of whom shall be designated by the President as chief judge."

No person other than a bona fide resident of the District of Columbia and maintaining an actual place of abode therein for at least five years immediately prior to his appointment, or who shall have been a judge of one of the courts of the District of Columbia, shall be appointed a judge of The Municipal Court of Appeals for the District of Columbia. Further, all appointees shall have been actively engaged in the practice of the law in the District of Columbia for a period of at least five years immediately prior to their appointment. Service during the present emergency in the armed forces of the United States shall be included in the computation of the five-year requirements herein specified.

"The chief judge shall be appointed for a term of ten years and the associate judges shall be appointed initially for terms of eight and six years each.

"Subsequent appointments and reappointments to this court shall be for a term of ten years each. All judges shall continue in office until their successors shall be appointed and qualified. Each judge shall be subject to removal only in the manner and for the same causes as are now or hereafter provided for the removal of Federal judges. The salary of the chief judge shall be \$9,500 per annum and that of each associate judge shall be \$9,000 per annum. Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States. In the event of the absence, disability, or disqualification of any judge of The Municipal Court of Appeals for the District of Columbia, or in the event of a vacancy in the office of any such judge, the chief judge of said court may designate and assign any judge of The Municipal Court for the District of Columbia to act temporarily as a judge of said court. Likewise the chief judge, whenever he finds it in the public interest to do so, may designate and assign any judge of said Municipal Court of Appeals to act temporarily as a judge of The Municipal Court for the District of Columbia. In the event of the absence, disability, or disqualification of the chief judge of said court, his powers shall be exercised by that judge of said court next in seniority according to the date of commission.

"The said court shall appoint and remove a clerk who shall exercise the same powers and perform the same duties in regard to all matters within the jurisdiction of the court as are exercised and performed by the clerk of the United States Court of Appeals for the District of Columbia, so far as the same may be applicable, and his compensation shall be fixed by the court in accordance with the

Classification Act of 1923, as amended. The clerk of the court, subject to the approval of the chief judge, shall have authority to appoint and remove such deputy clerks and such other employees as he may deem necessary, and to have their compensation fixed by the chief judge in accordance with the Classification Act of 1923, as amended, and shall have supervision and direction over them, except clerks serving the respective judges, who shall be appointed and removed from office by the respective judges, their compensation to be fixed by the respective judges in accordance with the Classification Act of 1923, as amended.

"Sec. 7. (a) Any party aggrieved by any final order or judgment of The Municipal Court for the District of Columbia, as created by this Act, or of the Juvenile Court of the District of Columbia, may appeal therefrom as of right to The Municipal Court of Appeals for the District of Columbia. Appeals may also be taken to said court as of right from all interlocutory orders of The Municipal Court for the District of Columbia whereby the possession of property is changed or affected such as orders dissolving writs of attachment and the like: *Provided, however*, That reviews of judgments of the small claims and conciliation branch of the Municipal Court of the District of Columbia, and reviews of judgments in the criminal branch of the court where the penalty imposed is less than \$50, shall be by application for the allowance of an appeal, filed in said Municipal Court of Appeals. Said application shall be on a standard form, in simple language, prescribed by The Municipal Court for the District of Columbia. When the appealing party is not represented by counsel, it shall be the duty of the clerk to prepare the application in his behalf. The application for appeal shall be filed in The Municipal Court of Appeals for the District of Columbia within three days from the date of judgment. It shall be promptly presented by the clerk to the chief judge and to each of the associate judges for their consideration. If they or any one of them are of the opinion that the appeal should be allowed, the appeal shall be recorded as granted, and the case set down for hearing on appeal, and given a preferred status on the calendar, and heard in the same manner as other appeals in said court. If the chief judge and both associate judges shall be of the opinion that an appeal should be denied, such denial shall stand as an affirmation of the judgment of the trial court, from which there shall be no further appeal.

"After the effective date of this Act, no writs of error or appeals, except in respect of judgments theretofore rendered, shall be granted by the United States Court of Appeals for the District of Columbia to the said Municipal Court or to the said Juvenile Court.

"(b) The Municipal Court of Appeals for the District of Columbia shall have the power to prescribe by rules what parts of the proceedings in the court below shall constitute the record on appeal, and to require that the original papers be sent to it instead of copies thereof, and generally to regulate all matters relating to appeals, whether in the court below or in said The Municipal Court of Appeals for the District of Columbia.

"(c) The Municipal Court of Appeals for the District of Columbia shall not require the record or briefs on appeal to be printed, and if they are printed, the cost of printing shall not be taxed as costs in the case. Said court shall review the record on appeal and shall affirm, reverse, or modify the order or judgment in accordance with law. If the issues of fact shall have been tried by jury, The Municipal Court of Appeals for the District of Columbia shall review the case only as to matters of law. If the case shall have been tried without a jury, The Municipal Court of Appeals for the District of Columbia shall have the power to review both as to the facts and the law, but in such case the

judgment of the trial court shall not be set aside except for errors of law or unless it appears that the judgment is plainly wrong or without evidence to support it.

"(d) This section shall not apply to any judgments rendered prior to the effective date of this Act.

"Sec. 8. Any party aggrieved by any judgment of The Municipal Court of Appeals for the District of Columbia may seek a review thereof by the United States Court of Appeals for the District of Columbia by petition for the allowance of an appeal. The petition shall be in writing and shall be filed with the clerk of said United States Court of Appeals within ten days after the entry of such judgment, the contents of the petition to conform to the requirements which said United States Court of Appeals may by rule prescribe. Said Court of Appeals may prescribe rules governing the practice and procedure on such applications, the preparation of and the time for filing the transcript of the record in such cases, and generally to regulate all matters relating to appeals in such cases. If said Court of Appeals shall allow an appeal, the court shall review the record on appeal and shall affirm, reverse, or modify the order or judgment in accordance with law.

"Sec. 9. (a) The Municipal Court of Appeals for the District of Columbia shall have the power and is hereby directed to prescribe, by rules, the forms of process, writs, pleadings and motions, and practice and procedure in such court, to provide for the efficient administration of justice, and the same shall conform as nearly as may be practicable to the forms, practice, and procedure now obtaining under the Federal Rules of Civil Procedure. Said rules shall not abridge, enlarge, or modify the substantive rights of any litigant. After their effective date all laws in conflict therewith shall be of no further force or effect.

"Service of process shall be made by the United States Marshal for the District of Columbia.

"(b) The Municipal Court of Appeals for the District of Columbia, or any judge thereof, shall have the power to punish for disobedience of any order or contempt committed in the presence of the Court by a fine not exceeding \$50, or imprisonment not exceeding thirty days.

"Sec. 10. The Municipal Court for the District of Columbia, and The Municipal Court of Appeals for the District of Columbia as established by this Act, shall have full power and authority to censure, suspend, or expel from practice, at their respective bars, any attorney for any crime involving moral turpitude, or professional misconduct, or any conduct prejudicial to the administration of justice. Before any such attorney is censured, suspended, or expelled, written charges under oath against him must be presented to the court, stating distinctly the grounds of complaint. The court may order the charges to be filed in the office of the clerk of the court and shall fix a time for hearing thereon. Thereupon a certified copy of the charges and order shall be served upon the attorney personally by the marshal or such other person as the court may designate, or in case it is established to the satisfaction of the court that personal service cannot be had, a certified copy of such charges and order shall be served upon him by mail, publication, or otherwise, as the court may direct. At any time after the filing of said written charges, the court shall have the power, pending the trial thereof, to suspend from practice at its bar the person charged.

"Sec. 11. (a) Any judge of The Municipal Court for the District of Columbia, any judge of The Municipal Court of Appeals for the District of Columbia, as established by this Act, or any judge of the Juvenile Court of the District of Columbia, may hereafter retire after having served as a judge of such

court for a period or periods aggregating twenty years or more, whether continuously or not. Any judge who so retires shall receive annually in equal monthly installments, during the remainder of his life, a sum equal to such proportion of the salary received by such judge at the date of such retirement as the total of his aggregate years of service bears to the period of thirty years, the same to be paid in the same manner as the salary of such judge. In no event shall the sum received by any such judge hereunder be in excess of the salary of such judge at the date of such retirement. In computing the years of service under this section, service in either the Police Court of the District of Columbia or the Municipal Court of the District of Columbia, or the Juvenile Court of the District of Columbia, as heretofore constituted, shall be included whether or not such service be continuous. The terms "retire" and "retirement" as used in this section shall mean and include retirement, resignation, or failure of reappointment upon the expiration of the term of office of an incumbent.

"(b) Any judge receiving retirement salary under the provisions of this Act may be called upon by the chief judge of The Municipal Court for the District of Columbia or the chief judge of The Municipal Court of Appeals for the District of Columbia to perform such judicial duties as may be requested of him in either of said courts, or in the Juvenile Court of the District of Columbia, but in any event no such retired judge shall be required to render such service for more than ninety days in any calendar year after such retirement. In case of illness or disability precluding the rendering of such service such retired judge shall be fully relieved of any such duty during such illness or disability.

"Sec. 12. If any provision of this Act, or the application thereof to any person or circumstance, shall be held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby; and if any provision hereof becomes inoperative, either by reason of failure of appropriations or otherwise, it shall not affect the legality or operative effect of any or all of the remaining features and provisions hereof.

"Sec. 13. The appropriations in the 1942 District of Columbia Appropriation Act, approved July 1, 1941, for the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, are hereby continued available for the purposes specified therein, and for the expenditures authorized by this Act. And there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, such funds as may be necessary to carry out the provisions of this Act.

"Sec. 14. The provisions of this Act authorizing the appointment and salaries of the judges of The Municipal Court of Appeals for the District of Columbia and the clerk, deputy clerks, and other employees of said court, shall take effect one month after approval of this Act. The other provisions of this Act shall take effect three months after the date of its approval.

"The expression 'effective date of this Act', as used in this Act, means three months after the approval of this Act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

DAN R. McGEHEE,

EVERETT M. DIRKSEN,

OREN HARRIS,

*Managers on the part of the House.*

PAT MCCARRAN,

JOHN H. OVERTON,

HAROLD H. BURTON,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5784) to consolidate the police and municipal courts of the District of Columbia and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying report.

The House conferees agreed to Senate amendment to strike all of the language of the House bill and substitute in lieu thereof language of the Senate, with the exception of that which purported to determine an area, roughly described as a radius of 10 miles from the District of Columbia line, from which persons might be selected to serve as judges of the courts created by the bill. In lieu of that language, the conferees agreed that two non-resident persons may be selected to serve as judges of the Municipal Court, but not of the proposed Municipal Court of Appeals, provided those selected shall have been actively engaged in the practice of the law in the District of Columbia for a period of not less than 5 years immediately prior to appointment.

DAN R. McGEHEE,

O. HARRIS,

EVERETT M. DIRKSEN,

*Managers on the part of the House.*

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 5784) to consolidate the police and municipal courts of the District of Columbia, and for other purposes.

The conferees of the House reached an agreement with the conferees of the Senate on last Friday. The House was not in session and not in a position to file the report under the rules of the House so that it could be taken up today. This being District of Columbia day, I think the matter should be disposed of.

I may say to the membership of the House that this bill was passed by the House unanimously 2 or 3 weeks ago. This conference report is a unanimous report from both Houses. The only material change made in the act as passed by the Congress was changing the title; also the bill as originally passed by the House contained a provision that those judges appointed to the municipal or police court of the District of Columbia should be residents of the District and shall have practiced law for a period of 5 years or more within the District. The amendment suggested by the Senate conferees is this, that there may be two judges appointed who may not live within the boundaries of the District of Columbia. That is, they may live in Chevy Chase, Md., or over the line in Virginia, but they must comply with the provisions of the act relative to the number of years that they shall have practiced law in the District of Columbia.

There is a further provision that in the event anyone appointed judge who shall enter the armed forces of the country during this emergency period shall not have that counted against him as not being a resident.

Another minor provision was that the House bill provided that the clerk of the court should be appointed by the presiding judge. The clerk then had authority to appoint all clerks and help under him. The Senate amended the House bill by

providing that the clerk should make the appointments by and with the advice and consent of the presiding judge, to which the conferees of the House agreed.

Those are the only amendments affecting the bill as passed by the House unanimously 2 or 3 weeks ago.

Mr. MICHENER. Mr. Speaker, reserving the right to object, there are some important changes made in the bill. No notice has been given that the conference report was to be called up. Of course it is not necessary but is always advisable when possible. But certainly no one can object, inasmuch as this is District day and this is a District matter. Those especially interested in District matters are here present. I know of no reason why this is not the proper time to consider this particular conference report.

Mr. McGEHEE. I may say to the gentleman from Michigan that there were some other changes, but it was merely transforming the language of the bill which I think more streamlines it.

The SPEAKER pro tempore (Mr. PATMAN). Is there objection to the request of the gentleman from Mississippi [Mr. McGEHEE]?

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

#### ASSIGNMENT TO DETECTIVE FORCE OF THE METROPOLITAN POLICE

Mr. RANDOLPH. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 6782) to authorize the Commissioners of the District of Columbia to assign officers and members of the Metropolitan Police force to duty in the detective bureau of the Metropolitan Police Department, and for other purposes; and I ask unanimous consent that the same may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That hereafter the Commissioners of the District of Columbia may assign to duty as assistant to the inspector commanding the detective bureau in the Metropolitan Police Department: any officer or member of the Metropolitan Police force and, during the period of such assignment, the said officer or member shall hold the rank and receive the pay of a captain of police and shall be eligible for assignment, by the said Commissioners, as chief of detectives. For the duration of such latter assignment such officer or member shall hold the rank and receive the pay of an assistant superintendent of police.

Sec. 2. That section 1 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia," approved May 27, 1924 (43 Stat. 174), is amended by striking therefrom (1) the colon following the phrase reading "Lieutenants, \$2,700 each" and (2) the proviso reading "Provided, That the lieutenant assigned as assistant to the inspector commanding the detective bureau shall, during the period of such assignment, hold the rank and receive the pay of a captain."

Mr. RANDOLPH. Mr. Speaker, I ask for recognition.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. RANDOLPH. Mr. Speaker, the purpose of this legislation, which is brought to the House from the Committee on the District of Columbia, is to authorize the Commissioners to assign any officer or member of the Metropolitan Police force to duty as assistant chief of detectives. That officer, for the duration of the assignment which had been made, would hold the rank and receive the pay of a captain, and be eligible for assignment as chief of detectives.

The bill simply expresses the intention of the committee and translates into legislation a worthy proposal. It makes it possible for the utilization of the services of such officers as the Commissioners believe best qualified for duty in the particular fields to which they may be assigned.

I may say to the membership there will be no additional expense involved if this bill becomes law. The Budget Bureau has given its approval to the measure.

Mr. Speaker, I yield the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. RANDOLPH. Mr. Speaker, at this time I yield to the gentleman from Indiana [Mr. SCHULTE].

#### AMENDING THE ACT TO REGULATE BARBERS IN THE DISTRICT OF COLUMBIA

Mr. SCHULTE. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H. R. 5444) to amend the act to regulate barbers in the District of Columbia, and for other purposes, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore (Mr. PARMAN). Is there objection to the request of the gentleman from Indiana?

Mr. SMITH of Ohio. Reserving the right to object, Mr. Speaker, I want to know whether on page 4 of the bill there is a provision requiring a religious test for keeping a barber shop open on another day than the accepted Sabbath?

Mr. SCHULTE. The gentleman from Ohio [Mr. SMITH] spoke to me about this the other day, and I explained it to him as well as I could.

The bill in its present form would authorize the Board of Barber Examiners to fix the opening and closing hours for all barber shops in the District on the basis of the preference of the majority of licensed barbers, and on the same basis to fix 1 day in 7 consecutive days on which all barber shops in the District shall remain closed.

I want to say that this bill was reported out of the committee unanimously.

Mr. SMITH of Ohio. Further reserving the right to object, Mr. Speaker, the fact remains that the question of religion does enter into this particular section of the bill.

Mr. SCHULTE. I may say to my good friend from Ohio that the gentleman who probably gave him that information

is the same fellow who appeared before this committee and has personally informed me that he was bitterly opposed to this and would continue to oppose it no matter what happened.

I may say to the gentleman from Ohio that the religious issue that has been brought into this thing by this particular individual is out of all proportion to the provisions of the bill. All the bill does is to say that if the barber belongs to a sect that has a Sabbath on some other than the accepted Sabbath, that all he need do is to appear before the Board and make that statement. Could anything be more clear-cut than that?

Mr. SMITH of Ohio. Mr. Speaker, I do not propose to permit the gentleman to tell me that I do not know my own mind about this proposition.

Mr. SCHULTE. The gentleman from Indiana is not trying to tell the gentleman from Ohio anything.

Mr. SMITH of Ohio. I am merely saying that this raises a question of religion. What is the reason? Has any particular religious organization violated any particular law or indicated that it intends to violate the barber-shop law?

Mr. SCHULTE. Let me say to my good friend from Ohio that he will not get me into any religious argument at any time.

Mr. SMITH of Ohio. Mr. Speaker, this is a very important bill. I have no objection at all to the consideration of the remainder of this bill, but I am going to object because this provision raises a religious question. I want the bill brought up so that it may receive proper consideration.

Mr. SCHULTE. The gentleman is not opposed to labor, is he?

Mr. SMITH of Ohio. Not at all, and this has nothing to do with labor or the rights of labor.

The SPEAKER pro tempore. Objection is heard.

Mr. SCHULTE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, H. R. 5444, to amend the act to regulate barbers in the District of Columbia, and for other purposes; and pending that I would like to arrive at an agreement as to time for general debate. Would 15 minutes a side be sufficient? I want the gentleman from Ohio to have an opportunity to air his views.

Mr. DIRKSEN. Mr. Speaker, reserving the right to object, I think the time should be allotted in the regular way and that the ranking minority member of the committee should have control of time on the minority side.

Mr. SCHULTE. Would the gentleman be satisfied with 30 minutes equally divided between the majority and the minority?

Mr. DIRKSEN. That would be agreeable to the minority.

Mr. SCHULTE. I make that request, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that debate on the bill be limited to 30 minutes, to be equally divided and controlled by himself and the gentleman from Illinois. Is there objection?

Mr. SMITH of Virginia. Mr. Speaker, reserving the right to object, I just want to say I am opposed to the bill and want an opportunity to be heard very briefly.

Mr. SCHULTE. I will give the gentleman an opportunity to be heard. I shall be pleased to yield him part of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana [Mr. SCHULTE]?

There was no objection.

The SPEAKER pro tempore. The question is on the motion to go into the Committee of the Whole.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, for the consideration of the bill H. R. 5444, with Mr. BULWINKLE in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. SCHULTE. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Chairman, I had hoped to have time to explain an amendment which the gentleman from West Virginia [Mr. RANDOLPH] has suggested to this bill, which is fairly satisfactory to me, and I think it ought to be satisfactory to the House. I want to explain briefly the section involved in this bill to which I object.

It provides that the Board of Barber Examiners after they have ascertained the majority preference for the 1 particular closing day in the 7—

Mr. STEFAN. What section is the gentleman referring to?

Mr. SMITH of Ohio. Page 4, beginning in line 8.

Excepting that any barber-shop proprietor of the District of Columbia may keep open his shop on the day voted by the majority to close, upon a proper showing duly made to the Board of Barber Examiners by the proprietor to the effect that the adopted closing day conflicts with the tenets of his religion and provided that his shop shall remain closed on the particular Sabbath of his religion.

The act provides that in the event such person may be aggrieved, he has the right to appeal through the courts for relief.

There is no reason why anyone having a different religious faith than I have, and I happen to be a Methodist, should have his religion dragged into a law of this sort. The amendment suggested by the gentleman from West Virginia [Mr. RANDOLPH], and I think he will allow me to refer to his name in connection with it, removes the necessity of an aggrieved person involved appealing to a court for redress.

The persons who would be adversely affected want to obey the law, and if I know anything about the particular religions that are aimed at in this bill, the people belonging to them are regarded as very law abiding, the same as those belonging to other religions. My amendment provides:

Except that any barber-shop proprietor of the District of Columbia may keep his shop open on the day voted by the majority to close, provided he has closed his shop for 24 consecutive hours or 1 whole day of each week, the day beginning either at midnight or at sunset.

I have not talked the matter over with any of the parties involved in this controversy, but I think the amendment relieves the situation somewhat. It takes away from this measure a provision which I do not think belongs there. One of the most dangerous issues a legislative body can raise is that of religion.

It is not so much what may be involved in the particular phraseology of the bill under consideration. The question is what it may lead to hereafter. I think we could dispose of this whole controversy in very quick order if the gentleman from Indiana would see fit to agree to this amendment.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. RANDOLPH. Will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. Mr. Chairman, the chairman of the Committee for the District of Columbia has shown to the gentleman from Ohio [Mr. SMITH] a proposed amendment which he has read to the House. Of course, I always attempt to cooperate fully with the committee of which I am the head, and when the committee voted to report this legislation to the floor without the amendment which I had suggested in the committee, I felt at that time that if there was a general disposition in the House to go ahead with the measure as presented I would not press the issue; however, when the gentleman from Ohio and others here allude to this problem of religious preference it brings me back to a certain responsibility on my own part in connection therewith. For that reason, at the proper time in the reading of the bill, it would be agreeable to me that the gentleman from Ohio offer the amendment.

May I say in explanation of my feelings on this matter that I belong to a faith, the Seventh Day Baptist Church, which would be affected by a closing on a certain day which we recognize as the Sabbath. I do not want to bring myself into the discussion personally, because I like to look at these matters objectively always. We have the orthodox Jew, we have the Seventh-day Adventist, we have the Seventh Day Baptist, and certain other faiths, some of them large in numbers, some of them, to be sure, only small numerically; but they feel deeply on this subject, and for that reason I feel that their case should be properly handled in a bill of this kind. I would suggest that during the reading of the bill the gentleman from Ohio, if in agreement with the amendment which I believe might solve the problem, if he cares to, offer the amendment, that the issue be resolved.

Mr. SMITH of Ohio. I thank the gentleman. I have just one more remark to make. Just because a Member of this House finds something in a measure pertaining to labor that he feels is not cor-

rect is no indication at all that that particular Member of the House is against labor.

I resent strongly the inference that simply because I happen to be interested in removing the religious test provided for barbers in the District of Columbia or anywhere else that I am opposed to labor. I am sincere in my opposition to this particular provision because I believe it violates the principle of religious liberty. I repeat that we must be very careful about raising religious questions of this kind, because they can lead to a great deal of damage.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield further?

Mr. SMITH of Ohio. I yield.

Mr. RANDOLPH. There are those of certain religious faiths who hold to the observance of the Sabbath as a day going from one sundown until another, and not from 12 o'clock to 12 o'clock, which is popularly considered to be the Sabbath.

Mr. SMITH of Ohio. I thank the gentleman.

[Here the gavel fell.]

Mr. SCHULTE. Mr. Chairman, the amendment the gentleman from Ohio proposes to offer would sabotage the bill and wreck everything the barbers in the District of Columbia have gained for a number of years. If it is the gentleman's intention to wreck the betterment of conditions these men are trying to bring about, well the amendment he offers is the thing to do it; if he does not agree with them, then certainly I would rather withdraw the bill than accept his amendment, because the effect would be that it would just kill every piece of legislation and every help they would receive here. It would again allow them to go back to barbering 24 hours each day, 7 days a week.

This bill has been suggested by the majority of the barbers in the District of Columbia. Each and every one of them has gone over this bill very thoroughly. It has been sanctioned and endorsed by the people of the District of Columbia, and by practically every civic organization. They are very much in sympathy with it.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Texas.

Mr. RUSSELL. Is it not a fact that no barber in the District is objecting to the bill?

Mr. SCHULTE. The gentleman is correct. There is not a barber in the District of Columbia that has objected to this bill, not one.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from California.

Mr. HINSHAW. The gentleman has made a very interesting statement. I am trying to find out about the bill. In what way does it affect the rest of the barbers if one barber shop wants to close on Saturday and remain open on Sunday, in accordance with the religious tenets of the owner? What does it do?

Mr. SCHULTE. There is one individual in the District of Columbia who gloats over the fact that he has wrecked

every barber bill that has been introduced, so that they can continue to work on Sunday. He has gloated over that fact. The religious angle is injected into this matter by this particular individual. He brought in the religious phase of it, saying that he wanted his people protected. The barbers in the District of Columbia, not wishing to offend anyone's feelings, suggested that merely by this particular individual's going before the Board of Barber Examiners and there saying that it conflicts with his religious tenets, he can keep open his shop on Sunday.

Mr. HINSHAW. But he closes on Saturday.

Mr. SCHULTE. He closes on the day of his Sabbath.

I may say that the majority of the committee—I would say 99 percent of them—were very much in sympathy with emphasizing the fact that these barbers could not keep open on Sunday, but to relieve the pressure on the mind of this one individual we have gone along to accept this and place it in the bill so it would protect one barber in the District of Columbia. We are sacrificing about 300 so 1 man will be appeased.

Mr. HINSHAW. Under this bill, as the gentleman has proposed it, as I understand, it is possible for this one man to go before the Board and obtain permission to remain open on Sunday?

Mr. SCHULTE. Yes; it is.

Mr. HINSHAW. Then what difference does it make whether he remains open on Sunday on his own volition or goes before a board and receives permission to do it?

Mr. SCHULTE. It is simply that we want him to go down there and be placed on record that he is of that particular religion. If that is not done, it will be just the same as in the case of any other law; you will have a lot of folks who will evade it. Everybody will be of that particular religion, not that they have ever gone to that church or worshiped there, but because this would allow them to use this as a method by which they could work 7 days a week.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Nebraska.

Mr. CURTIS. What would the gentleman say would be the answer in a case where five or six barbers in a shop were of a particular religious faith and did not observe the Sabbath as the first day of the week, but where the proprietor did observe Sunday? This bill would compel a showing that the proprietor's religion was such that he could not keep open on Sunday, and he would be unable to make that showing, but the religious faith of every barber in his shop might be such that they would not want to work on that day.

Mr. SCHULTE. I may say to my good friend that in the District of Columbia all the barbers have the same feeling about this bill that the majority of us have, that they do not want to keep open on Sunday.

Mr. SHAFER of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Michigan.

Mr. SHAFER of Michigan. Is not that just where this amendment is better for the bill?

Mr. SCHULTE. No; it is not. If the gentleman will read the amendment thoroughly, he will find that the amendment does nothing but place them right back where they are today, and they would just as soon have no bill at all.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. SMITH of Ohio. Under what phraseology of the present law would this bill put the situation back where it was before?

Mr. SCHULTE. By virtue of the fact that men are going to evade the religious tendency part of it which I was just trying to explain. I do not see how anyone will be hurt. Does the gentleman object to going down and telling the particular board what religious faith he adheres to?

Mr. SMITH of Ohio. I object to any law that compels a person to prove his religion before he is allowed to work.

Mr. SCHULTE. I do not; so that is a difference of opinion. I am proud of my religion and proud of the fact that I have the pleasure of attending it.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. CURTIS. Does the gentleman feel that we could constitutionally enact a law that would compel a citizen to go before a governing body and prove his religious faith in order to gain a privilege or obtain a license to operate? Does this not amount to a religious test?

Mr. SCHULTE. I would say so, because our Government has always recognized one's religious faith, your Government and mine. We were the first to do that.

Mr. GILCHRIST. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield to my good friend from Iowa.

Mr. GILCHRIST. Why is there so much circumlocution here in this bill on page 2, where the bill uses hundreds of words in order to designate the name of the first day of the week, meaning Sunday—a word of six letters? I am for the bill. I am for Sunday observance, but I do not understand why we must leave this thing to a vote of the barbers themselves when we all know that they are going to vote that the day when they will close their shops is the day we call Sunday. Let us write it that way.

Mr. SCHULTE. That is right.

Mr. GILCHRIST. That is positively true.

Mr. SCHULTE. Yes; that is right.

Mr. GILCHRIST. Then another thought with regard to the same thing is this: Do the barbers have a right to enact or vote a law? Why do we not ourselves enact the laws and say that the barber shops shall be closed on Sunday with an exception as proposed by the gentleman from Ohio that those who have a different religious idea about observing the Sabbath shall have the right to observe their Sabbath? What I am putting to the gentleman is this:

Why not write Sunday in this bill to start with?

Mr. SCHULTE. I grant the gentleman that and Sunday is the day I would close them if I were in charge of it. I want to say that no one, and this is the peculiar thing about it, outside of the gentleman from Ohio—not a barber in the District of Columbia, not a one of those who would be vitally affected, has objected to this bill, not one.

Mr. GILCHRIST. I am asking why we do not write in there the word "Sunday," and that will suit the barbers.

Mr. SCHULTE. Absolutely, it will, but it will not suit my friend from Ohio.

Mr. GILCHRIST. I think it would if we also put in a provision that those who have different scruples about Sunday and want to observe the seventh day can do so. That would suit the gentleman from Ohio, I believe.

Mr. SCHULTE. If they will go down and say they are of that particular religion, but they object to that.

Mr. GILCHRIST. I think that all the gentleman from Ohio wants to do is to protect such good people as the Seventh-day Adventists and others who believe in observing the seventh day of the week as their Sabbath.

Mr. SCHULTE. I want to say to my good friend that I want to protect them, too.

And I will be the first one to protect them, but I am not going to stand idly by and see them go around and circumvent this bill and bring back the same conditions that exist in the District of Columbia today, and that is what the gentleman's amendment will do.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Texas, a member of the committee.

Mr. RUSSELL. If that amendment is adopted and a condition arises where there is a four-chair barber shop, then two of them can claim that they are of a certain faith and they want to observe their Sabbath on Saturday, and the other two can claim to be of an opposite faith, and then the other two will hold open the shop on Saturday and the two then can come back and keep the shop open on Sunday.

Mr. SCHULTE. That is it exactly.

Mr. RUSSELL. That will be the effect of the amendment should it pass.

Mr. SCHULTE. That is the reason I am opposing the gentleman's amendment. The gentleman says he is very much in sympathy with the men who work for a living, and I believe he is. Therefore, he should refuse to offer his amendment, and I am sure he would if he had seen the things we have seen and listened to the testimony of the men directly involved in this matter.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. I am for the gentleman's bill, especially for the barbers having 1 day of rest. I wish the gentleman would explain to me the effect of the language which states an exception as to any barber shop or pro-

prietor of a barber shop in the District who may keep open his shop except on the day voted by a majority to close the shop after making a proper showing. Suppose you had a Seventh-day Adventist or a man of the Hebrew faith who was the proprietor of the shop, and suppose he had 8 or 10 people who worked in the shop and wanted to observe Sunday and not the Sabbath. What becomes of those 7 or 8 people there working in the shop?

Mr. SCHULTE. They just do not work, I will say to my good friend.

Mr. ROBSION of Kentucky. So then they have 2 days when they must be off.

Mr. SCHULTE. We have rewritten this bill several times to meet the objections of one individual. I do not believe a committee in Congress has ever gone so far to try to appease one individual. We have rewritten this bill several times at the suggestion of one gentleman, who will not work under its provisions, but simply is a pretended friend of the barbers.

Mr. ROBSION of Kentucky. The gentleman wants to accept this as it is so as to fix the responsibility of the man who tries to get out from under the law as it affects barbers?

Mr. SCHULTE. Yes; that is it; so that he cannot get away with that and not be fair and honest with men and take advantage of other barbers.

Mr. ROBSION of Kentucky. I want the barbers to have 1 day of rest.

Mr. SCHULTE. We all do.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. Yes.

Mr. SMITH of Virginia. Will the gentleman explain what the evil is that exists under the present law?

Mr. SCHULTE. We have a great many barber shops here that are open 24 hours of the day and 7 days in the week. We have barbers who work in one particular shop 8 hours and then go into another barber shop and work for 4 hours, and then we find some more who work 6 hours on Saturday and will go into a Sunday barber shop and work all day Sunday; and several members of the committee have voiced their opinion that they are very much opposed to the 24-hour barber shop.

Mr. SMITH of Virginia. And they feel that a man is entitled to a day of rest.

Mr. SCHULTE. Several of the owners have taken advantage of these conditions and forced the men to work the 72 hours, and it is with that thought in mind that the barbers themselves—and I reemphasize that—are in favor of this bill 100 percent, and it is some outsider that is opposing it. Certainly the barbers themselves ought to be able to do what they want.

Mr. SMITH of Virginia. Is there any other profession or skilled workmen than the barbers who are permitted to fix the hours of work? In other words, if we pass this bill, we delegate to the barbers the right to fix the hours of work?

Mr. SCHULTE. Oh, no; we merely set up a board.

Mr. SMITH of Virginia. But you provide for a questionnaire, and if a majority of the barbers vote to work 6 hours a

day, that is the law. Is that a condition that is peculiar only to barbers?

Mr. SCHULTE. In my State; yes.

Mr. SMITH of Virginia. In Washington?

Mr. SCHULTE. In Washington; no. Throughout the country in the various States this bill exists in a great many of them, and some of the bills go much further than this bill. Some of them emphasize the fact that they cannot be open on Sunday, but because of one individual who is not a barber, and who has no men under him who are barbers, but has openly stated that he has kept this bill from passing, we find him in the picture again.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. Yes.

Mr. MURDOCK. I have read the bill, but I want to ask specifically about one thing. I am in agreement with the committee in regard to the provision for 1 day's rest in 7, but of course there are various religious groups that have different views as to what that day should be. Is there a provision in this bill to take care of that matter?

Mr. SCHULTE. Let me say this relative to religion. All over the United States the Sunday has been accepted as the Sabbath, throughout the entire Nation, that is, all through the country except here. In a great many instances they do not work on Sundays, irrespective of what they profess. That is so in my State.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. Yes.

Mr. RANDOLPH. I think we can better expedite the proper consideration of this bill and solve the problem the gentleman from Arizona raises, by proceeding with the reading of the bill and letting the amendments be offered. There is one amendment that will cover this subject.

Mr. DIRKSEN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RICH].

#### WIN WITH WORK—WORK AND WIN

Mr. RICH. Mr. Chairman, win with work is the only way that the American people will ultimately be able to defeat our enemies and be victorious in the war we are now engaged in. That means everybody in America. We are on the spot, and the only way that we can hope to save our liberty, our independence, and the four freedoms is by giving our all to win the war.

I regret exceedingly that I must bring to the attention of the House of Representatives the case of Miss Genevieve Samp, an employee of the National Stamping Co., of Detroit. It so happened that Genevieve Samp, a 25-year-old American citizen and native of the State of Michigan, was employed by the National Stamping Co., of Detroit, on the production of metallic belt links for machine-gun ammunition, which is of critical importance to the armed forces of our country. It is very essential to offensive warfare, not only for our troops but for the aircraft armament. This young

lady, by her diligence, has earned the right to be considered by the company which employed her as one of their most desirable employees. But what has happened? Because of the fact that she tried to do more work in production—more than the average employee probably would or could do—and because of her zeal in trying to increase the amount of work she turned out, the unions, because of this increased production, stated that she was not in good standing and by the terms of the contract between the company and the C. I. O. union the company agrees to remove seniority from any employee upon written demand by the union which indicates that the union deems such employee to be not in good standing. Because of this language in the agreement, as interpreted by the union, it means in effect that the company must discharge an employee upon the demand of the union for any cause the union may trump up by the device of designating the individual to be not in good standing. Because the company was hesitant to discharge the subject employee without written demand by the union, and because the company did not deem a communication from the union to be in accordance with the union contract, the rank and file of the entire shift, about 300 in number, threatened to strike unless Miss Samp was discharged and removed from the plant.

Members of the House, is it not about time that America woke up? Is it not about time that the House of Representatives, the Senate of the United States, and the President of the United States woke up to the dangers confronting us? Because an employee tries to produce too much the unions demand that she be discharged. Let me say to the House of Representatives and to the country at large, Miss Genevieve Samp should be awarded a Distinguished Service Medal of some kind for the spirit she showed in trying to produce machine-gun belts and ammunition for the soldiers who are so badly in need of these implements of warfare. She ought to be lauded by the American people, especially by the labor unions, for trying to preserve our form of government and the four freedoms. But, gentlemen, instead of that, the labor unions demand that she be discharged, and the management had to fire her to prevent a strike. What are we coming to? Where are we headed? It is time that these radical labor leaders who make such demands be placed in concentration camps. The company would be glad to reemploy Miss Genevieve Samp, but they dare not do so because this would displease the unions and they would call a strike. It seems reasonable to think that one cause for Miss Samp's discharge was her willingness to comply with the request of the President of the United States to increase the productivity of men and machines because the President seemed to feel that this increased productivity was in the public interest in time of war. A further reason for her being thrown out of her job was that she did not choose to repudiate the pledge to the President of the United States made in her behalf by Philip Mur-

ray, who has assured and reassured the President, Mr. Donald Nelson, and the public that any lagging, any failure to utilize every talent or strength toward inevitable victory must be regarded as criminal.

I ask the House of Representatives to pass some laws that will make it a crime for anybody to create a slow-down in industry or for any reason to object to the American citizens furthering the interest of this country in winning this war, and I ask that these laws make it a crime against the country punishable by imprisonment or internment in a concentration camp for the duration.

Mr. Chairman, I have been further informed that there have been slow-downs over the week end at the Aluminum Co. of America plant in Cleveland, Ohio, and that some of the furnaces are operating at only 50 percent of capacity and others at 30 percent of capacity and some at 20 percent of capacity, these figures being based on production figures as of the 18th of this month. The unions take the attitude that there is no slow-down, and company officials point to the production and show that there is, and aluminum as we know is one of the principal items necessary for our airplanes and we ought to have 100-percent production every day. We find that on the 21st at the Aluminum Co. of America at Cleveland, 900 men were out of work due to lack of material for the sand foundry. It required the services of a colored man to go before the workers and plead with them for production, and finally to cause the men to speed up their operation. This man was Mr. Earl Burns, who showed his patriotism by doing what he did. Some of the men in this plant were trying to spoil the material and one of the employees pulled the thermocouple out because he wanted the furnace temperature to run higher. This results in inferior metal which would crack up in planes. After this thermocouple had been replaced, the same employee pulled it out again. A man like this should be put behind bars.

It seems to me we need to take action, and do so at once, to govern radicalism in our country if we do not lose our form of government. Will the Congress act? Let us hope they do and do it before it is too late.

Mr. SCHULTE. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will read the bill.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the entire bill be considered as read, and any portion thereof may be open to amendment.

The CHAIRMAN. Is there objection? There was no objection.

The bill is as follows:

*Be it enacted, etc., That this act may be cited as the "District of Columbia Barbers' Opening and Closing Hours of 1941."*

SEC. 2. That the following provisions and regulations of this act are declared to be enacted in the interest of the public health, public safety, and general welfare of the people of the District of Columbia, and that by legislative determination the profession of barbering and the operation of barber

shops are hereby declared to be affected with a public interest.

Sec. 3. The Board of Barber Examiners for the District of Columbia shall have the power to submit to each licensed barber of the District of Columbia a questionnaire providing for the licensed barber to state his preference as to the opening and closing hours for barber shops in the District of Columbia. That the Board of Barber Examiners shall be empowered to require a reasonable time, within which each licensed barber of the District of Columbia shall complete and return the questionnaire to the Board of Barber Examiners. That the Board of Barber Examiners shall inspect all the completed questionnaires on the next day after the time limit for their return has expired, and that the Board of Barber Examiners shall ascertain from the completed questionnaires which opening and closing hours for barber shops are preferred by the majority of licensed barbers of the District of Columbia. That the opening and closing hours for barber shops preferred by the majority of licensed barbers of the District of Columbia, as disclosed by the completed questionnaires, shall be adopted by the Board of Barber Examiners for all barber shops of the District of Columbia, and that the adopted opening and closing hours shall become effective for all barber shops in the District of Columbia 30 days after the date on which the Board of Barber Examiners ascertained the majority preference for opening and closing hours. That immediately after ascertaining the majority preference for opening and closing hours, the Board of Barber Examiners shall post a public notice in its offices concerning its findings on the majority preference for opening and closing hours, and shall cause to have published in two District of Columbia newspapers its findings on the majority preference for opening and closing hours.

Sec. 4. That the Board of Barber Examiners for the District of Columbia shall have the power to submit to each licensed barber of the District of Columbia a questionnaire providing for the licensed barber to state his preference as to the 1 day in 7 on which barber shops of the District of Columbia should remain closed. That the Board of Barber Examiners shall be empowered to require a reasonable time within which each licensed barber of the District of Columbia shall complete and return the questionnaire to the Board of Barber Examiners. That the Board of Barber Examiners shall inspect all the completed questionnaires on the next day after the time for their return has expired, and that the Board of Barber Examiners shall ascertain from the completed questionnaires the 1 day in 7 on which the majority of the licensed barbers of the District of Columbia prefer to have barber shops of the District of Columbia remain closed. That the closing day preferred by the majority of licensed barbers of the District of Columbia, as disclosed by the completed questionnaires, shall be adopted by the Board of Barber Examiners for all barber shops of the District of Columbia, and that the adopted closing day shall become effective for all barber shops in the District of Columbia 30 days after the date on which the Board of Barber Examiners ascertained the majority preference for the 1 particular closing day in 7, excepting that any barber shop proprietor of the District of Columbia may keep open his shop on the day voted by the majority to close upon a proper showing duly made to the Board of Barber Examiners by the proprietor to the effect that the adopted closing day conflicts with the tenets of his religion, and, provided, that his shop shall remain closed on the particular Sabbath of his religion.

Sec. 5. The Board of Barber Examiners shall adopt and enforce all rules and orders necessary to carry out the provisions of this act. All rules and orders of the Board of Barber Examiners, under the provisions of this act,

shall be printed and posted for public view in the offices of the Board.

Sec. 6. When the uniform opening and closing hours for all barber shops of the District of Columbia have been approved and adopted by the Board under the provisions of this act, and have become effective, it shall be unlawful for the owner of any barber shop or for any agent or employee of such owner to permit such barber shop to be open for the business of barbering for revenue, pay, free, or otherwise, outside of the opening and closing hours adopted by the Board for all barber shops. It shall likewise be unlawful for the owner of any barber shop or for any agent or employee to permit such barber shop to be open for the business of barbering for revenue, pay, free, or otherwise, on the day of the week which the Board of Barber Examiners has adopted under the provisions of this act as the one on which all barber shops shall be closed, subject to the exception provided in section 4 of this act.

Sec. 7. The Board of Barber Examiners, upon due notice and opportunity of hearing to the licensee, may suspend or revoke any barber's license when the Board is satisfied that the holder of such license has violated any provision of this act. Any licensee who considers himself aggrieved by an action of the Board suspending or revoking his license may, within 30 days after receipt of the order of the Board, take an appeal from the action of the Board to the District Court of the United States for the District of Columbia, which court shall have jurisdiction to reverse, vacate, or modify the order complained of, if, after hearing, such court is of the opinion that such order was unlawful or unreasonable. Upon service of notice of such appeal, the Board shall, with its answer, file a transcript of testimony taken during the hearing before the Board, and the original papers, or duly authenticated transcripts thereof. No proceedings to vacate, reverse, or modify a final order rendered by the Board shall operate to stay the execution or effect thereof, unless the court, on application, and 3 days' notice to the Board, shall allow such stay.

Sec. 8. If any clause, sentence, paragraph, or part of this act or any rule of the Board adopted pursuant to it shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be limited in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

Sec. 9. That all expenses incidental to the administration of this act shall be paid from the funds of the Board of Barber Examiners in the manner and form governing other expenditures of that Board.

Mr. SMITH of Ohio. Mr. Chairman, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Ohio: On page 4, line 8, after the comma, following the word "seven", strike out down to and including all of line 14 and insert the following in lieu thereof: "excepting that any barber-shop proprietor of the District of Columbia may keep his shop open on the day voted by the majority to close, provided he has closed his shop for 24 consecutive hours or 1 whole day of each week, the day beginning either at midnight or at sunset."

Mr. SMITH of Ohio. Mr. Chairman, I have already explained the import of this amendment. It is not as satisfactory as I would like to have it. I am sorry matters of this kind have to be raised here at all. Making religion a test for anything, I repeat, is very dangerous. If you trace the history of the persecution

of certain groups in Europe you will find it goes back to their religion. Religious persecution led to confiscation of property and many things worse than that.

It is not because I fear this particular provision in the act so much that I object to it. It is fear of what these things may lead to that concerns me. Because if you can raise a religious test in a case of this kind, certainly you can raise it in many others.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman.

Mr. RANDOLPH. I believe that when an individual is called on to go into the courts or before a board and prove the tenets of his religion as it affects legislation under which he operates his business, as the gentleman well says, we are going into a field which holds dangerous implications for the exercise of religious liberty in America.

Mr. SMITH of Ohio. I thank the gentleman for his contribution. There is no question about that at all.

This amendment which I am offering, as I stated, is not as satisfactory as I would like to have it. I do not want to injure the gentleman's bill. I think he is mistaken when he says that this will in effect destroy the entire proposed act. I do not believe that at all.

The gentleman has made the statement that there is only one individual in the entire District of Columbia who is involved in this provision. Am I correct in that statement? Is that the statement that the gentleman made, that there is only one person in the District of Columbia who is involved?

Mr. SCHULTE. As chairman of the subcommittee which held hearings on this bill, I will state there was only one person who appeared in opposition to it; one individual who has consistently and repeatedly opposed any and all legislation that would help the barbers.

Mr. SMITH of Ohio. I, perhaps, misunderstood the gentleman.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I yield to the gentleman from Michigan.

Mr. CRAWFORD. It is absolutely immaterial to me whether one man or a hundred million men oppose a proposition if my individual right is being trod upon—a right guaranteed to me by the Constitution. I have a right to oppose that so long as I live. My duty is to hand that right, as an inalienable right, down to my offspring. To me that is very fundamental.

I would like to submit this question: As the gentleman understands this bill, is it designed in such a way that it will prohibit a barber from closing his shop all day long any day he pleases?

Mr. SMITH of Ohio. No. I would not go that far; but I will say this, the power is in the hands of the Board. It depends on what it does in the matter. It can act arbitrarily and so can do that very thing. To be sure, the person aggrieved can go to the courts and there seek redress.

Mr. CRAWFORD. I am not interested in going into court. I do not like the

courts. I have never been in court on a case of my own in my life, and I do not intend to go there if I can keep out. I have not studied this bill. Is this bill designed in such way that the Board can tell me when I must close my shop and when I cannot keep my shop open?

Mr. SMITH of Ohio. The gentleman from West Virginia can, perhaps, explain that better than I can.

Mr. RANDOLPH. I think the question is very pertinent because it goes to the whole body of the bill. I think the religious matter for the moment can be set aside, because I am in complete agreement with the gentleman from Michigan. Under the provisions of the bill as brought to the House, the Board itself would not have the power that the gentleman suggests, of arbitrarily closing for a certain day or a certain number of hours, but the barbers themselves, by a vote of their own membership, would decide those questions.

Mr. CRAWFORD. Is the bill designed in such a way that a group of barbers, by a majority vote, can say to me, "You must close your shop on a certain day and you must keep it open every other day of the week"?

Mr. SMITH of Ohio. Precisely so, on the basis of a religious test.

Mr. CRAWFORD. Now, suppose something happened in my family that I could not possibly get down to operate my one-chair barber shop, what are you going to do in a situation like that?

[Here the gavel fell.]

Mr. SMITH of Ohio. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SMITH of Ohio. Mr. Chairman, the point which the gentleman from Michigan raised is the important one. It is not a matter of how many people are involved, but one of principle; that is what we are concerned with here. There is not, as I stated, anything in this amendment that can in the main be objected to. It does relieve in a large measure the religious test in order to operate or not to operate a barber shop on a particular day. I submit my amendment is fair and should be adopted.

Mr. SCHULTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, again I say that what the gentleman has said is certainly something that we do not agree with for a minute. If this amendment is adopted we are right back to where we started and there will be 24-hours-a-day barber shops.

I think we have had enough discussion of the matter on both sides, so I am going to ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and the Chair being in doubt the Committee divided and there were—ayes 24, noes 19.

Mr. SCHULTE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently there is not a quorum present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 45]

Baldwin	Hart	Osmers
Barry	Holbrook	O'Toole
Beam	Hook	Peterson, Fla.
Bender	Houston	Pfeifer,
Bishop	Jarrett	Joseph L.
Boehne	Johnson,	Plauché
Boggs	Lyndon B.	Ramsay
Boiton	Kee	Rivers
Bradley, Pa.	Keefe	Romjue
Buck	Kelley, Pa.	Sacks
Buckler, Minn.	Kelly, Ill.	Sanders
Buckley, N. Y.	Kennedy,	Satterfield
Byrne	Michael J.	Scanlon
Byron	Keogh	Schaefer, Ill.
Cannon, Fla.	Kleberg	Scott
Capozzoli	Klein	Scrugham
Chapman	Kociaikowski	Shannon
Cole, Md.	Kopplemann	Sheridan
Courtney	Kramer	Short
Crowther	Lesinski	Smith, Pa.
Cullen	Lewis	Smith, Wis.
Dickstein	Lynch	Somers, N. Y.
Dies	McGranery	Stratton
Dingell	McKeough	Sweeney
Ditter	McMillan	Thomas, N. J.
Eliot, Mass.	Maclejewski	To'lan
Fitzpatrick	Maciora	Vreeland
Fulmer	Magnuson	Wadsworth
Gale	Marcantonio	Walter
Gamble	Martin, Mass.	West
Gavagan	Merritt	Wheat
Gerlach	Mitchell	Wigglesworth
Gifford	Myers, Pa.	Woodrum, Va.
Gillette	O'Day	Worley
	O'Hara	Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BULWINKLE, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 5444) to amend the act to regulate barbers in the District of Columbia, and for other purposes, and finding itself without a quorum, he had directed the roll to be called, when 330 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the journal.

The SPEAKER. The Committee will resume its sitting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Ohio. What is the parliamentary situation?

The CHAIRMAN. The vote is on the amendment offered by the gentleman from Ohio [Mr. SMITH].

Mr. SMITH of Ohio. Is the vote taken over again?

The CHAIRMAN. Yes.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the amendment may again be read for the information of the Committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. DIRKSEN]?

There was no objection.

The Clerk read the amendment offered by the gentleman from Ohio [Mr. SMITH].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. SMITH of Ohio) there were—ayes 65, noes 53.

Mr. SCHULTE. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. SCHULTE and Mr. SMITH of Ohio to act as tellers.

The committee again divided; and the tellers reported there were—ayes 77, noes 59.

So the amendment was agreed to.

Mr. SCHULTE. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and Mr. PATMAN having taken the chair as Speaker pro tempore, Mr. BULWINKLE, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 5444) to amend the act to regulate barbers in the District of Columbia, and for other purposes, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question will be ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. SMITH of Ohio) there were—ayes 68, noes 32.

Mr. SCHULTE. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER pro tempore. Obviously a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 117, nays 170, not voting 144, as follows:

[Roll No. 46]  
YEAS—117

Andersen.	Culkin	Hill, Colo.
H. Carl	Curtis	Hinshaw
Andresen.	Dewey	Hoffman
August H.	Dirksen	Holmes
Andrews	Dondro	Hope
Arends	Douglas	Hull
Barden	Dworshak	Jenkins, Ohio
Baumhart	Eberharter	Jennings
Bennett	Edmiston	Johns
Blackney	Elliott, Calif.	Johnson, Ill.
Boren	Elston	Johnson, Ind.
Bradley, Mich.	Engel	Johnson, Okla.
Brown, Ohio	Fellows	Jones
Carlson	Fish	Jonkman
Cartwright	Ford, Leland M.	Kefauver
Case, S. Dak.	Ford, Thomas F.	Kilburn
Chenoweth	Gearhart	Knutson
Chilperfield	Gore	Kunkel
Clason	Grant, Ind.	Lambertson
Clevenger	Guyer	Landis
Cluett	Hall	Lea
Costello	Edwin Arthur	McGehee
Cox	Hall	McGregor
Cravens	Leonard W.	Mahon
Crawford	Halleck	Mason
Crowther	Hancock	May

Michener  
Moser  
Mott  
Mundt  
Murdock  
Murray  
Nelson  
O'Brien, N. Y.  
Paddock  
Pheffer,  
William T.  
Pittenger  
Pioeser  
Plumley  
Priest

## NAYS—170

Allen, La.  
Anderson,  
N. Mex.  
Angell  
Arnold  
Barnes  
Bates, Ky.  
Beckworth  
Bell  
Boggs  
Boland  
Bonner  
Boykin  
Brooks  
Brown, Ga.  
Bryson  
Buck  
Bulwinkle  
Burdick  
Burgin  
Butler  
Camp  
Canfield  
Cannon, Mo.  
Casey, Mass.  
Chapman  
Cochran  
Coffee, Nebr.  
Coffee, Wash.  
Collins  
Colmer  
Cooley  
Cooper  
Copeland  
Creal  
Cresser  
Cunningham  
D'Alesandro  
Davis, Ohio  
Day  
Delaney  
Disney  
Domengeaux  
Doughton  
Downs  
Drewry  
Duncan  
Eaton  
Ellis  
Englebright  
Flannagan  
Fogarty  
Folger  
Forand  
Ford, Miss.  
Gathings  
Gehrmann  
Gibson

## NOT VOTING—144

Allen, Ill.  
Anderson, Calif.  
Baldwin  
Barry  
Bates, Mass.  
Beam  
Belter  
Bender  
Bishop  
Bland  
Bloom  
Boehne  
Bolton  
Bradley, Pa.  
Buckley, Minn.  
Buckley, N. Y.  
Burch  
Byrne  
Byron  
Cannon, Fla.  
Capozzoli  
Carter  
Celler  
Clark  
Claypool  
Cole, Md.  
Cole, N. Y.  
Courtney

## NAYS—170

Gilchrist  
Gossett  
Granger  
Grant, Ala.  
Green  
Gregory  
Gwynne  
Hare  
Harness  
Harrington  
Harris, Ark.  
Harris, Va.  
Harter  
Healey  
Hébert  
Hendricks  
Hill, Wash.  
Hobbs  
Holbrook  
Hunter  
Imhoff  
Jackson  
Jarman  
Jensen  
Johnson,  
Luther A.  
Kean  
Kerr  
Kirwan  
Lane  
Lanham  
Larrabee  
Leavy  
LeCompte  
McCormack  
McIntyre  
McLaughlin  
McLean  
Manasco  
Mansfield  
Martin, Iowa  
Meyer, Md.  
Mills, Ark.  
Mills, La.  
Monroney  
Nichols  
Norrell  
Noiton  
O'Brien, Mich.  
O'Leary  
Oliver  
O'Neal  
Pace  
Patman  
Patrick  
Patton

Smith, Ohio  
Smith, Va.  
Stearns, N. H.  
Sumner, Ill.  
Talbot  
Tibbott  
Tinkham  
Vorys, Ohio  
Wilson  
Wolcott  
Wolfenden, Pa.  
Young  
Youngdahl  
Zimmerman

Pearson  
Peterson, Ga.  
Poage  
Powers  
Rabaut  
Ramspeck  
Rankin, Miss.  
Rankin, Mont.  
Reece, Tenn.  
Richards  
Robertson,  
N. Dak.  
Robertson, Va.  
Robinson, Utah  
Robison, Ky.  
Russell  
Sabath  
Sasser  
Sauthoff  
Schuetz  
Schulte  
Shanley  
Sheppard  
Smith, Wash.  
Smith, W. Va.  
Smith, Wis.  
South  
Sparkman  
Spence  
Springer  
Sarnes, Ala.  
Stefan  
Stevenson  
Sullivan  
Taber  
Talle  
Tarver  
Tenerowicz  
Terry  
Thill  
Thom  
Thomas, Tex.  
Thomason  
Traynor  
Van Zandt  
Vincent, Ky.  
Voorhis, Calif.  
Ward  
Wasielewski  
Weaver  
Welch  
Whichel  
Whitten  
Whittington  
Wickersham  
Williams  
Wolverton, N. J.

Howell  
Izac  
Jacobsen  
Jarrett  
Jenks, N. H.  
Johnson, Calif.  
Johnson,  
Lyndon B.  
Johnson, W. Va.  
Kee  
Keefe  
Kelley, Pa.  
Kelly, Ill.  
Kennedy,  
Martin J.  
Kennedy,  
Michael J.  
Keogh  
Kilday  
Kinzer  
Kleberg  
Klein  
Kocialkowski  
Kopplemann  
Kramer  
Lesinski  
Lewis  
Ludlow

Lynch  
McGranery  
McKeough  
McMillan  
Maas  
Maclejewski  
Maciora  
Marcantonio  
Magnuson  
Martin, Mass.  
Merritt  
Mitchell  
Myers, Pa.  
O'Connor  
O'Day  
O'Hara  
Osmers  
O'Toole  
Peterson, Fla.  
Pfeifer  
Joseph L.  
Pierce

Plauché  
Ramsay  
Rivers  
Rolph  
Romjue  
Sacks  
Sanders  
Satterfield  
Scanhon  
Schaefer, Ill.  
Scott  
Scrugham  
Shannon  
Sheridan  
Short  
Sikes  
Smith, Pa.  
Snyder  
Somers, N. Y.  
Steagall  
Stratton  
Sumners, Tex.

Sutphin  
Sweeney  
Thomas, N. J.  
Tolan  
Treadway  
Vinson, Ga.  
Vreeland  
Wadsworth  
Walter  
Weiss  
Wene  
West  
Wheat  
White  
Wigglesworth  
Winter  
Woodruff, Mich.  
Woodrum, Va.  
Worley  
Wright

Mr. Kramer with Mr. Sutphin.  
Mr. Steagall with Mr. Weiss.  
Mr. Romjue with Mr. Sweeney.  
Mr. Wene with Mr. Sikes.  
Mr. West with Mr. Schaefer of Illinois.  
Mr. Sheridan with Mr. White.  
Mr. Izac with Mr. Sacks.  
Mr. Kelley of Pennsylvania with Mr. Jacobsen.  
Mr. Houston with Mr. Smith of Pennsylvania.  
Mr. Sanders with Mr. Heffernan.  
Mr. Maciora with Mr. Wright.  
Mrs. O'Day with Mr. Faddis.  
Mr. Buckley of New York with Mrs. Byron.  
Mr. Claypool with Mr. Lyndon B. Johnson.  
Mr. Scanlon with Mr. Worley.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. SMITH of Ohio. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. SMITH of Ohio. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 114, nays 33.

Mr. CRAWFORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and ninety Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 222, nays 42, answered "present" 2, not voting 165, as follows:

## [Roll No. 47]

## YEAS—222

Allen, La.	Coffee, Nebr.	Gibson
Anderson,	Coffee, Wash.	Gilchrist
N. Mex.	Colmer	Gillie
Andreen,	Cooley	Gore
August H.	Cooper	Gossett
Andrews	Copeland	Graham
Angell	Cravens	Granger
Arends	Crosser	Grant, Ind.
Arnold	Crowther	Green
Barden	Culkin	Gregory
Barnes	Cunningham	Gwynne
Bates, Ky.	D'Alesandro	Hall
Baumhart	Davis, Ohio	Edwin Arthur
Beckworth	Davis, Tenn.	Halleck
Bell	Day	Harness
Backney	Delaney	Harrington
Boggs	Dewey	Harris, Ark.
Boland	Dirksen	Harris, Va.
Borner	Domengeaux	Harter
Boykin	Dondero	Hendricks
Bradley, Mich.	Douglas	Hill, Wash.
Brooks	Downs	Holbrook
Brown, Ga.	Duncan	Holmes
Brown, Ohio	Dworshak	Hope
Bryson	Eberharter	Hull
Burdick	Edmiston	Hunter
Burgin	Elliott, Calif.	Imhoff
Butler	Ellis	Jackson
Camp	Elston	Jarman
Canfield	Engel	Jenkins, Ohio
Cannon, Mo.	Englebright	Jennings
Cartwright	Fellows	Johns
Case, S. Dak.	Fogarty	Johnson, Ill.
Casey, Mass.	Folger	Johnson, Ind.
Chapfield	Forand	Johnson,
Clason	Ford, Thomas F.	Luther A.
Clevenger	Gathings	Jones
Cochran	Gehrmann	Jonkman

Kean	Oliver	Smith, Wash.
Kefauver	O'Neal	Smith, W. Va.
Kirwan	Paddock	Smith, Wis.
Knutson	Patman	South
Kunkel	Patrick	Sparkman
Landis	Patton	Spence
Lane	Pearson	Springer
Lanham	Pfeiffer	Stearns, N. H.
Lea	William T.	Stefan
Leavy	Pierce	Stevenson
LeCompte	Pittenger	Sullivan
McGregor	Priest	Sumner, Ill.
McIntyre	Rabaut	Talbot
McLaughlin	Ramspeck	Talle
McLean	Rankin, Miss.	Tarver
MacIara	Rankin, Mont.	Tenerowicz
Mahon	Reece, Tenn.	Terry
Manasco	Reed, Ill.	Thill
Mansfield	Rees, Kans.	Thom
Martin, Iowa	Robertson	Thomas, Tex.
Mason	N. Dak.	Thomason
May	Robertson, Va.	Tibbott
Meyer, Md.	Robinson, Utah	Tinkham
Michener	Robison, Ky.	Traynor
Mills, Ark.	Rockefeller	Van Zandt
Mills, La.	Rockwell	Voorhis, Calif.
Monroney	Rodgers, Pa.	Ward
Moser	Rogers, Mass.	Wasielewski
Mundt	Rogers, Okla.	Weaver
Murdock	Rolph	Weich
Murray	Russell	Welch
Nelson	Sasser	Whitell
Norrell	Sauthoff	Whittington
Norton	Schulte	Wickersham
O'Brien, Mich.	Secrest	Williams
O'Brien, N. Y.	Shanley	Wilson
O'Connor	Sikes	Wolverton, N. J.
O'Leary	Smith, Maine	Young

## NAYS—42

Andersen, H. Carl	Guy	Plumley
Bennett	Hall	Rich
Boren	Leonard W.	Rizley
Chenoweth	Hancock	Shaffer, Mich.
Costello	Hill, Colo.	Sheppard
Cox	Hobbs	Smith, Ohio
Crawford	Hoffman	Smith, Va.
Curtis	Jensen	Starnes, Ala.
Drewry	Johnson, Calif.	Taber
Eaton	Kilburn	Vincent, Ky.
Ford, Leland M.	Lambertson	Vorys, Ohio
Ford, Miss.	Larrabee	Walcott
Gearhart	Mott	Wolfenden, Pa.
Grant, Ala.	Peterson, Ga.	Youngdahl
	Ploeser	

## ANSWERED "PRESENT"—2

Chapman	Randolph
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## NOT VOTING—165

Allen, Ill.	Faddis	Kerr
Anderson, Calif.	Fenton	Kilday
Baldwin	Fish	Kinzer
Barry	Fitzgerald	Kleberg
Bates, Mass.	Fitzpatrick	Klein
Beam	Flaherty	Kociskowski
Beiter	Flannagan	Koppelman
Bender	Fulmer	Kramer
Bishop	Gale	Lesinski
Bland	Gamble	Lewis
Bloom	Gavagan	Ludlow
Boehne	Gerlach	Lynch
Bolton	Gifford	McCormack
Bradley, Pa.	Gillette	McGehee
Buck	Haines	McGranery
Buckler, Minn.	Hare	McKeough
Buckley, N. Y.	Hart	McMillan
Bulwinkle	Hartley	Maas
Burch	Healey	Maclejewski
Byrne	Hébert	Magnuson
Byron	Heffernan	Marcantonio
Cannon Fla.	Heldinger	Martin, Mass.
Capozzoli	Hess	Merritt
Carlson	Hinshaw	Mitchell
Carter	Hook	Myers, Pa.
Celler	Houston	Nichols
Clark	Howell	O'Day
Claypool	Izac	O'Hara
Cluett	Jacobsen	Osmer
Cole, Md.	Jarrett	O'Toole
Cole, N. Y.	Jenks, N. H.	Face
Collins	Johnson	Peterson, Fla.
Courtney	Lyndon B.	Pfeifer
Creal	Johnson, Okla.	Joseph L.
Cullen	Johnson, W. Va.	Plauché
Dickstein	Kee	Poage
Dies	Keefe	Powers
Dingell	Kelley, Pa.	Ramsay
Disney	Kelly, Ill.	Reed, N. Y.
Ditter	Kennedy	Richards
Doughton	Martin J.	Rivers
Durham	Kennedy	Romjue
Eliot, Mass	Michael J.	Sabath
	Keogh	Sacks

Sanders	Somers, N. Y.	Weiss
Satterfield	Steagall	Wene
Scanlon	Stratton	West
Schaefer, Ill.	Summers, Tex.	Wheat
Schuetz	Sutphin	White
Scott	Sweeney	Wigglesworth
Scruggam	Thomas, N. J.	Winter
Shannon	Tolan	Woodruff, Mich.
Sheridan	Treadway	Woodrum, Va.
Short	Vinson, Ga.	Worley
Simpson	Vreeland	Wright
Smith, Pa.	Wadsworth	Zimmerman
Snyder	Walzer	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Bulwinkle with Mr. Reed of New York.
Mr. Creal with Mr. Powers.
Mr. Doughton with Mr. Carlson.
Mr. Hare with Mr. Simpson.
Mr. McCormack with Mr. Cluett.
Mr. Flannagan with Mr. Thomas of New Jersey.
Mr. McGehee with Mr. Hinshaw.
Mr. Richards with Mr. Fish.
Mr. Hébert with Mr. Sabath.
Mr. Kerr with Mr. Schuetz.
Mr. Johnson of Oklahoma with Mr. Zimmerman.
Mr. Pace with Mr. Healey.
Mr. Nichols with Mr. Buck.
Mr. Collins with Mr. Poage.
Mr. Summers of Texas with Mr. Disney.
Mr. Merritt with Mr. Wright.
Mr. Ramsay with Mr. Marcantonio.
Mr. Shannon with Mr. Wadsworth.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SALARIES OF METROPOLITAN POLICE AND OTHERS

Mr. SCHULTE. Mr. Speaker, I call up the bill (H. R. 6336) to provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to conform with the increased cost of living in the District of Columbia, and also to conform with wages paid in many cities of the Nation, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. DIRKSEN. Mr. Speaker, I must object to that request.

Mr. SCHULTE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6336); and pending that, Mr. Speaker, I ask unanimous consent that general debate be limited to 20 minutes to be equally divided between the gentleman from Illinois [Mr. DIRKSEN] and myself.

The SPEAKER pro tempore (Mr. PATMAN). Is there objection to the request of the gentleman from Indiana?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6336, with Mr. HOBBS in the chair.

The Clerk read the title of the bill.

Mr. SCHULTE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SCHULTE. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the bill pending provides for increases in the pay of policemen and firemen below the rank of captain in the District of Columbia. It involves a total of about \$776,000.

Let me give you five reasons why this bill should be defeated. The first reason is that Commissioner Russell Young, of the Board of District Commissioners, who is directly responsible for the police and fire departments, is opposed to the bill, and stated in the hearings before the subcommittee that "Frankly and bluntly, we cannot afford it."

The second reason is that they come for promotions aggregating about three-quarters of a million dollars at a time when thrift and economy is demanded by the country and also by the residents of the District of Columbia. Let me point out to you that the increase here directly for the police department will be \$393,020. Now, in addition to that, you must add \$117,000, for after you have increased the salaries the proportion for retirement upkeep out of the District treasury, of which the District pays more than 82 percent, will, after the first of the year, aggregate \$117,000 a year. In addition to this, there are some White House policemen who share in the benefits to the extent of \$18,000, according to the Auditor of the District of Columbia. Finally, there is a \$140 per year promotional set-up in the bill, which will account for another \$111,000. So the total amount involved is about three-quarters of a million dollars, directly and indirectly. And I submit to you, as a second reason, because of the cost that is involved at this time, the bill should not pass.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Briefly.

Mr. STEFAN. I wonder if the gentleman would not agree with me that, in view of the fact that the District of Columbia appropriation bill is going to be reviewed by our committee, perhaps early in May, and there has been some suggestion that it is outmoded and we ought to go all over the budget again, this bill should be deferred until we take up the appropriation bill?

Mr. DIRKSEN. The gentleman is exactly correct.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. VORYS of Ohio. What is the scale of pay of the policemen and firemen?

Mr. DIRKSEN. The scale is set out in the bill itself, H. R. 6336. I have not tried to keep all the scales in mind. That brings me to the third reason as to whether or not this increase is necessary at this time.

I recognize that living cost goes up in the District of Columbia as it goes up

elsewhere, but the fact is that these cannot be such ill-paid jobs for otherwise you would not have a long list of applicants trying to get on the police force of the District of Columbia. The fourth reason is that once you start a promotional increase for the police and firemen in the District of Columbia you are setting a precedent, and others will be here for increases in pay of one kind and another, and you set in motion a spiral which cannot be stopped. It will establish a very bad precedent at this particular time, and that is an additional reason why this bill should not pass.

And, finally, what about the other thousands of District employees? Are you going to pick out the policemen and firemen and make them a preferred group? What about the clerks, what about the stenographers, what about the men who ride the garbage wagons, what about that great host of people in the employ of the municipal government of the District of Columbia at the present time? There is nothing said here about promotional increases and wage increases for them. I regard it as altogether bad legislation for the Congress, in considering the welfare of the District of Columbia, to take two selected groups out of all the employees of the District of Columbia and confer upon them promotions in pay, no matter how modest they may be.

There are the reasons. In the first place, the Commissioners are opposed, particularly Commissioner Young, who is charged with the operation of the police and fire departments; secondly, it will cost three-quarters of a million dollars; third, it starts a very bad spiral, which will have repercussions at the other end, and in a little while they will all be on the bandwagon and want promotions; fourth, it does not take account of thousands of other District of Columbia employees; and lastly, it occurs to me that that is pretty fair pay at this time, as indicated by the great number of applicants for places on the police and fire departments.

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. PLUMLEY. Am I to understand that the police department and also the fire department of the District are under one administrative head.

Mr. DIRKSEN. Commissioner Young looks after the policemen and the firemen in the District of Columbia. They share responsibility as between the two nonengineer Commissioners, although properly speaking, Commissioner Young is the one who has taken cognizance of this matter, and who has testified before the committee upon it. I look to him as sharing the major responsibility, and he has stated that he is frankly and bluntly opposed to this bill upon the ground that the District of Columbia cannot afford it.

If an additional reason is needed, let me say that it then becomes necessary for the subcommittee of the District of Columbia Committee to find additional revenues, and you cannot pay money out of thin air, or pick money off gooseberry bushes; you have to raise taxes by raising the rate upon real estate and in other

ways find new sources of taxation, because the District can spend only so much money as is provided, either by a lump sum appropriation from Congress, or as provided by property owners, and people who reside here, in the form of taxation. So it becomes necessary to find an additional three-quarters of a million dollars in revenue. It was stated in subcommittee that there is a surplus from year to year. About two or three or four hundred thousand dollars are sometimes tagged as a surplus, but the important thing is that it is an apparent, rather than a real, surplus, for while they may be kicking back two or three hundred thousand dollars into the Treasury in other funds, there is as much as over a million dollars in obligations unpaid at the end of the year. So, when they talk about surpluses, by the time you have cast the books, and reckoned all the surplus against all obligations not required, you will find it is no surplus, after all.

There is nothing more for me to say. This bill came before the House once before. At that time the amount of promotion was twice as much as is carried in the present bill. The proponents then scaled it down, believing a smaller amount might have a greater appeal, but no amount of increased Government cash has any appeal for me at this time, and particularly so since the country is insistent on economy, and gentlemen should not forget, when we talk about the country, that it also includes the Nation's Capital, officially styled the District of Columbia. The people of that District are entitled to a break, as well as the taxpayers in other sections of the country.

I yield back the remainder of my time.

Mr. SCHULTE. Mr. Chairman, I yield myself 10 minutes. It is no easy task to be a member of the committee on the District of Columbia, when we take into consideration all of the other committees that we have the pleasure of serving on, but we are trying to do the best we can for the District of Columbia and its people whom we serve. We are subjected to all sorts of criticism and condemnations by those who write editorials in newspapers, charging that the members of the Committee on the District of Columbia are trying to become dictators because of the fact that we have the audacity to raise our voices in protest of some of the things that happen here. It is a headache every minute that you are on the committee, but someone has to do the job.

This bill seeks to increase the pay of policemen and firemen who are employed in the District of Columbia. I am very much in sympathy with their problems, and I feel this increase is absolutely justified. I know of no other city in the United States where the work is as hard and as tedious as it is here, in speaking of our police department. You are in the National Capital, and anything can happen here. These men are not working just 8 or 9 hours a day, which was attested to not later than this morning by the Superintendent of Police. They are on duty 10 and 12 and 16 hours a day in a great many instances, and they are doing exceptionally good work in ap-

prehending burglars; thieves, and other criminals that do exist in the Nation's Capital.

They say if we increase the policemen and firemen, certainly we will have to increase the man who collects the garbage. The work of the garbage collector is not one-tenth as hazardous as that of the police department. Just this morning a police officer was shot while apprehending four criminals. They do not know yet whether he is going to live or not. It is not an easy job serving in the police or fire departments in Washington. Those men are living in a city where living conditions are much higher than they are back in our respective districts. There is not a Member of this House who will not admit that fact, that rents have gone up; that the cost of food and clothing has gone up. A great many of the boys refuse to buy in the District of Columbia because of the excessive costs. They wait until they go home. But the policemen and firemen of the District of Columbia have to live here. Their rents have increased. I dare say that 99.9 percent of the policemen and firemen are married men. Those who are single of course will be drafted into this war, but the married men will have to stay here and face this tremendous increase in the cost of living. Over 200 cities in the United States have increased the salaries of their policemen and firemen—over 200; mine, yours, and many other cities throughout this Nation. We were here just a short time ago asking for a pay adjustment of \$600 per year. I say to you that has been cut right in half. Certainly that is not asking an awful lot. You have a graduated scale here. It increases progressively as it goes along.

Now, the gentleman from Illinois [Mr. DIRKSEN] says we cannot get the revenue. I do not know of a city in the United States where the tax rate is as low as it is in the District of Columbia. Yet, my friends, that will be contradicted when they say, "Oh, it is assessed on 100-percent valuation." Ninety percent of the cities in the United States are assessed on 100-percent valuation, and men from the East, the West, the North, and the South will attest to the fact that they are paying \$35 and \$40 per thousand. Yet here they pay \$17.50. It is about time that the taxation on real estate is raised here.

This morning I offered a suggestion. There is not anyone of us who wants to hurt the little home owner. We should do as our Federal Government is doing. It has set the precedent. The little fellow who owns his own home costing below \$7,000, will pay the same rate, \$1.75 per hundred. Let it remain there. Let us go up from \$7,000. Let us increase it progressively. Then you will get the very fellows who are living on the cream of the crop, who are making all the money in the District of Columbia.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. STEFAN. I would like to tell my colleague, who was born in my district in the little village of St. Bernard, the people pay three times as much real estate

taxes as they pay in some cases here. I agree with him that there is a lot of merit to the promotion and reward for service for our police force in Washington.

But I call his attention to the fact that we are going to be called upon—I say “we” meaning the members of the subcommittee which makes appropriations for the District of Columbia—for perhaps a hundred more policemen, or even more than that. We should have a resurvey of the Budget estimate, which was made up last September and which is now out of date. I am sure that my chairman, the gentleman from Texas [Mr. MAHON] is very agreeable to that. It is my suggestion that we go into conference with the legislative Subcommittee on the Fiscal Affairs of the District of Columbia, and in view of the fact that we are going to go all over this proposition of appropriations for the District of Columbia, salaries of police officers, salaries of firemen, salaries of everybody in the District of Columbia, that we lay this over until we have some real chance to discuss it sanely around the table, where we can actually get some official figures and know what we are doing. I think 20 minutes of debate on an important bill like this is a very, very short time. But I do not want to be in the position of being on record as unappreciative of the work of the police department and the fire department in this city. I happen to be a member of a volunteer fire department in my home town and I know some of the work that is being done by firemen in Washington, and policemen as well. It is getting more difficult to secure good policemen and good firemen. But I believe at this particular time it is inopportune to make an increase without taking into consideration the future of the police department, that has to be reviewed entirely by the committee.

I would like to say to the gentleman that I have 2 minutes of my own time which I yield back.

Mr. SCHULTE. I certainly thank the gentleman from Nebraska.

Mrs. NORTON. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I gladly yield to the gentleman from New Jersey.

Mrs. NORTON. I just wanted to ask how the rate of pay compares with that in other cities comparable to Washington?

Mr. SCHULTE. We are below other cities that are in the same category as Washington would be.

Now, coming back to the financing of it, there is no question in my mind that so long as we continue to set this back and set it back, these men will never get an increase. If I am not mistaken, it has been 15 or 16 years since they have had an increase of any kind in the District of Columbia. Now, that is a long time. They have been the goats, so to speak, on this thing. They have not had a chance to present their case. They are presenting it now through the District of Columbia Committee.

I am frank to say that there were very, very few objections in the full committee on District of Columbia affairs. The subcommittee was unanimously in sympathy with it because of the fact that

most of those men, like myself, are paying exorbitant rents, exorbitant prices for food and cost of living.

We can readily appreciate what these men are going through, and I do hope that the House in its deliberate judgment will see fit to pass this bill. If we do not pass it now, Mr. Chairman, it is never going to pass, and these men are never going to get an increase in pay. I hope you will agree with the members of the District of Columbia Committee and vote for this bill.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. RANDOLPH. I take occasion during this debate to commend the gentleman from Indiana [Mr. SCHULTE] for his service on the District Committee, and especially his chairmanship of the Subcommittee on Police and Firemen. He has also given much attention to the Subcommittee on Public Health, Hospitals, and Charities, and other subcommittees of the full committee. He has given much time to the study of District affairs. I, of course, do not need to remind the membership of the long hours the members of the committee devote to the subject of District legislation. At times some of us on the committee or in the House are not in agreement on all matters that the gentleman endorses or presents to the membership, yet I think it is highly proper that as chairman of the full committee I once express my appreciation for attention to duties as exemplified by the work of the gentleman from Indiana.

On this subject I shall make only brief comment. These men to be helped are employed in a hazardous occupation. They have not been given increases which their labors merit. It is my hope that the proposal will be supported today.

Mr. SCHULTE. I thank the gentleman from West Virginia.

Mr. Chairman, I reserve the balance of my time.

Mr. DIRKSEN. Mr. Chairman, will the gentleman from Indiana yield?

Mr. SCHULTE. Mr. Chairman, I yield 1 minute to the gentleman from Illinois.

Mr. DIRKSEN. Mr. Chairman, I wanted this time merely to state that during this year we have added 183 members to the police force of the District, and the Commissioners have testified that in the fiscal year 1943 they are going to ask for 100 more. Certainly with this added number the hours of duty can be so readjusted that there should be no complaint on the part of any individual policeman as to long hours.

I hope the bill will not pass, since it represents three-quarters of a million dollars.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Illinois has expired; all time has expired. The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.,* That Public Law No. 489 of the Seventy-first Congress (S. 2370) approved July 1, 1930, is hereby amended by striking out sections 1, 2, and 3 thereof, and inserting in place thereof the following new sections:

“Sec. 1. That the annual basic salaries of the officers and members of the Metropolitan Police, the United States Park Police, and the

White House Police shall be as follows: Major and superintendent, \$8,000; assistant superintendents, \$5,000 each; inspectors, \$4,500 each; captains, \$3,900 each; lieutenants, \$3,350 each; sergeants, \$3,050 each; privates, a basic salary of \$2,000 per year with an annual increase of \$140 in salary for 5 years, or until a maximum salary of \$2,700 is reached. All original appointments of privates shall be made at the basic salary of \$2,000 per year, and the first year of service shall be probationary.

“Sec. 2. That the annual basic salaries of the officers and members of the Fire Department of the District of Columbia shall be as follows: Chief engineer, \$8,000; deputy chief engineers, \$5,000 each; battalion chief engineers, \$4,500 each; fire marshal, \$5,000; deputy fire marshal, \$3,300; inspectors, \$2,960 each; captains, \$3,300 each; executive officer (captain), \$3,300; lieutenants, \$3,140 each; sergeants, \$2,900 each; superintendent of machinery, \$5,000; assistant superintendent of machinery, \$3,300; pilots, \$2,900 each; marine engineers, \$2,900 each; assistant marine engineers, \$2,760 each; marine firemen, \$2,400 each; privates, a basic salary of \$2,000 per year with an annual increase of \$140 in salary for 5 years or until a maximum salary of \$2,700 is reached. All original appointments of privates shall be made at the basic salary of \$2,000 per year, and the first year of service shall be probationary.

“Sec. 3. That privates of the Metropolitan Police, the United States Park Police, and the White House Police, and privates of the Fire Department shall be entitled to the following salaries: Privates who have served less than 1 year at the rate of \$2,000 per annum; privates who have served more than 1 year and less than 2 years, at the rate of \$2,140 per annum; privates who have served more than 2 years and less than 3 years, at the rate of \$2,280 per annum; privates who have served more than 3 years and less than 4 years, at the rate of \$2,420 per annum; privates who have served more than 4 years and less than 5 years, at the rate of \$2,560 per annum; privates who have served more than 5 years, at the rate of \$2,700 per annum.”

The provisions of this act shall be effective February 1, 1942.

Mr. SCHULTE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PATMAN) having resumed the chair, Mr. HOBBS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 6386) to provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to conform with the increased cost of living in the District of Columbia, and also to conform with wages paid in many cities of the Nation, directed him to report the same back to the House without amendment with the recommendation that the bill do pass.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SCHULTE) there were—ayes 34, noes 40.

Mr. SCHULTE. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER pro tempore. Obviously a quorum is not present.

The roll call is automatic.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 139, nays 123, not voting 169, as follows:

[Roll No. 48]

YEAS—139

Anderson, N. Mex.	Gregory	Ploeser
Arnold	Haines	Powers
Barnes	Hall	Rabaut
Bates, Ky.	Edwin Arthur	Ramspeck
Bloom	Harris, Ark.	Randolph
Boland	Harris, Va.	Rankin, Miss.
Bradley, Mich.	Harter	Rankin, Mont.
Butler	Healey	Reed, Ill.
Byrne	Hendricks	Richards
Canfield	Hill, Wash.	Robertson, Va.
Cannon, Mo.	Hobbs	Robinson, Utah
Cartwright	Hull	Rodgers, Pa.
Cason	Hunter	Rogers, Mass.
Cochran	Imhoff	Rogers, Okla.
Coffee, Wash.	Jackson	Rolph
Collins	Jacobsen	Sasser
Copeland	Jarman	Sauthoff
Costello	Johnson, Ind.	Schulte
Courtney	Kerr	Secrest
Cravens	Kirwan	Shafer, Mich.
Crosser	Kunkel	Shanley
Crowther	Lambertson	Short
Cunningham	Landis	Smith, Maine
D'Alesandro	Lane	South
Davis, Ohio	McCormack	Sparkman
Davis, Tenn.	McLaughlin	Spence
Delaney	MacIora	Starnes, Ala.
Dewey	Manasco	Stevenson
Douglas	Mansfield	Sullivan
Downs	Mason	Talbot
Dworshak	May	Tenerowicz
Eberhart	Mundt	Terry
Edmiston	Murray	Thill
Ellis	Nelson	Thom
Engel	Norrell	Traynor
Fish	Norton	Van Zandt
Fogarty	O'Brien, Mich.	Voorhis, Calif.
Forand	O'Brien, N. Y.	Weaver
Ford, Leland M.	O'Leary	Welch
Gearhart	O'Liver	West
Gehrmann	O'Toole	Whichel
Gilchrist	Patman	Wolcott
Graham	Patrick	Wolfenden, Pa.
Granger	Peterson, Fla.	Woodrum, Va.
Grant, Ind.	Peterson, Ga.	Young
Green	Pfeiffer	Youngdahl
	William T. Pittenger	

NAYS—123

Allen, La.	Ford, Miss.	Moser
Andersen, H. Carl	Fulmer	Nichols
Andresen, August H.	Gathings	Paddock
Angell	Gibson	Pearson
Arends	Gillie	Poage
Barden	Gore	Priest
Baumhart	Gossett	Reece, Tenn.
Beckworth	Grant, Ala.	Reed, N. Y.
Bell	Gwynne	Rees, Kans.
Bennett	Halleck	Rich
Bonner	Hancock	Rizley
Boren	Hare	Robertson, N. Dak.
Brooks	Harness	Robison, Ky.
Brown, Ga.	Heidinger	Rockefeller
Bryson	Hill, Colo.	Rockwell
Bulwinkle	Hoffman	Russell
Camp	Holmes	Sheppard
Carlson	Hope	Smith, Ohio
Carter	Jenkins, Ohio	Smith, W. Va.
Chapman	Jennings	Smith, Wis.
Chenoweth	Jensen	Springer
Chiperfield	Johns	Stearns, N. H.
Clevenger	Johnson, Ill.	Stefan
Coffee, Nebr.	Johnson, N. Y.	Sumner, Ill.
Cooley	Luther A.	Taber
Cooper	Jones	Talle
Cravford	Jonkman	Tarver
Creal	Kean	Thomason
Curtis	Kilburn	Tibbott
Dirksen	Lanham	Tinkham
Disney	Larrabee	Vorys, Ohio
Domengeaux	Lea	Ward
Dondero	LeCompte	Wasielewski
Doughton	McGregor	Whitten
Duncan	McIntyre	Whittington
Durham	Mahon	Wickersham
Elliott, Calif.	Martin, Iowa	Williams
Elston	Meyer, Md.	Wolverton, N. J.
Engelbright	Michener	Woodruff, Mich.
Folger	Millis, Ark.	Zimmerman
	Monroney	

NOT VOTING—169

Allen, Ill.	Gillette	Murdock
Anderson, Calif.	Guyer	Myers, Pa.
Andrews	Hall	O'Connor
Baldwin	Leonard W.	O'Day
Barry	Harrington	O'Hara
Bates, Mass.	Hart	O'Neal
Beam	Hartley	Osmer
Beiter	Hébert	Pace
Bender	Heffernan	Patton
Bishop	Hess	Pfeifer
Blackney	Hinshaw	Joseph L.
Bland	Holbrook	Pierce
Boehne	Hook	Plauché
Bolton	Houston	Pumley
Boykin	Howell	Ramsay
Bradley, Pa.	Izac	Rivers
Buck	Jarrett	Romjue
Buckler, Minn.	Jenks, N. H.	Sabath
Buckley, N. Y.	Johnson, Calif.	Sacks
Burch	Johnson	Sanders
Burdick	Lyndon B.	Satterfield
Burgin	Johnson, Okla.	Scanlon
Byron	Johnson, W. Va.	Schaefer, Ill.
Cannon, Pa.	Kee	Schuetz
Capozzoli	Keefe	Scott
Case, S. Dak.	Kefauver	Scrugham
Casey, Mass.	Kelley, Pa.	Shannon
Celler	Kelly, Ill.	Sheridan
Clark	Kennedy	Sikes
Claypool	Martin J.	Simpson
Cluett	Kennedy	Smith, Pa.
Cole, Md.	Michael J.	Smith, Va.
Cole, N. Y.	Keogh	Smith, Wash.
Colmer	Kilday	Snyder
Cox	Kinzer	Somers, N. Y.
Cu'kin	Kleberg	Steagall
Cullen	Klein	Stratton
Day	Knutson	Summers, Tex.
Dickstein	Kocalkowski	Sutphin
Des	Kopplemann	Sweeney
Dingell	Kramer	Thomas, N. J.
Ditter	Leavy	Thomas, Tex.
Drewry	Lesinski	Tolan
Eaton	Lewis	Treadway
Eliot, Mass.	Ludlow	Vincent, Ky.
Faddis	Lynch	Vinson, Ga.
Fellows	McGehee	Vree and
Fenton	McGranery	Wadsworth
Fitzgerald	McKeough	Walter
Fitzpatrick	McMillan	Weiss
Flaherty	Maas	Wene
Flannagan	Maciejewski	Wheat
Ford, Thomas F.	Magnuson	White
Gale	Marcantonio	Wigglesworth
Gamble	Martin, Mass.	Wilson
Gavagn	Merritt	Winter
Gerlach	Mitchell	Worley
Gifford	Mott	Wright

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hartley for, with Mr. Keefe against.

General pairs:

Mr. Boykin with Mr. Martin of Massachusetts.

Mr. Hébert with Mr. Simpson.

Mr. Holbrook with Mr. Johnson of California.

Mr. Cannon of Florida with Mr. Treadway.

Mr. Martin J. Kennedy with Mr. Allen of Illinois.

Mr. Burch with Mr. Baldwin.

Mr. Satterfield with Mr. Stratton.

Mr. Gavagan with Mr. Ditter.

Mr. Keogh with Mr. Osmer.

Mr. Bland with Mrs. Bolton.

Mr. McMillan with Mr. Kinzer.

Mr. Cole of Maryland with Mr. O'Hara.

Mr. Boehne with Mr. Scott.

Mr. Cullen with Mr. Fenton.

Mr. Rivers with Mr. Cole of New York.

Mr. Plauché with Mr. Bishop.

Mr. Hart with Mr. Maas.

Mr. Clark with Mr. Bender.

Mr. Michael J. Kennedy with Mr. Vreeland.

Mr. Beam with Mr. Gifford.

Mr. Hook with Mr. Gillette.

Mr. Kefauver with Mr. Winter.

Mr. Johnson of West Virginia with Mr. Anderson of California.

Mr. Pierce with Mr. Wadsworth.

Mr. Belter with Mr. Jenks of New Hampshire.

Mr. McKeough with Mr. Hess.

Mr. Kocalkowski with Mr. Bates of Massachusetts.

Mr. Kilday with Mr. Gale.

Mr. Lewis with Mr. Wheat.

Mr. Kopplemann with Mr. Jarrett.

Mr. Kelly of Illinois with Mr. Gamble.

Mr. Ludlow with Mr. Wigglesworth.

Mr. Maciejewski with Mr. Gerlach.

Mr. Lesinski with Mr. Howell.

Mr. Celler with Mr. Buckler.

Mr. Barry with Mr. Marcantonio.

Mr. Flannagan with Mr. Thomas of New Jersey.

Mr. McGehee with Mr. Hinshaw.

Mr. Leavy with Mr. Andrews.

Mr. Cox with Mr. Wilson.

Mr. Patton with Mr. Plumley.

Mr. Thomas of Texas with Mr. Knutson.

Mr. Vincent of Kentucky with Mr. Burdick.

Mr. Colmer with Mr. Day.

Mr. O'Connor with Mr. Eaton.

Mr. Flaherty with Mr. Case of South Dakota.

Mr. Thomas F. Ford with Mr. Blackney.

Mr. Murdock with Mr. Culkin.

Mr. Vinson of Georgia with Mr. Guyer.

Mr. Steagall with Mr. Cluett.

Mr. Harrington with Mr. Fellows.

Mr. Pace with Mr. Leonard W. Hall.

Mr. O'Neal with Mr. Bradley of Pennsylvania.

Mr. Buck with Mr. Heffernan.

Mr. Ramsay with Mr. Sabath.

Mr. Sanders with Mrs. Bryon.

Mr. Romjue with Mr. Izac.

Mr. Burgin with Mr. Dickstein.

Mr. McGranery with Mr. Sweeney.

Mr. Tolan with Mr. Smith of Pennsylvania.

Mr. Summers of Texas with Mr. Kramer.

Mr. Snyder with Mr. Smith of Washington.

Mr. Drewry with Mr. Somers of New York.

Mr. Dies with Mr. Magnuson.

Mr. Fitzpatrick with Mr. Walter.

Mr. Wright with Mr. Faddis.

Mr. Capozzoli with Mr. Sacks.

Mr. Schaefer of Illinois with Mr. Claypool.

Mr. Dingell with Mr. Sheridan.

Mr. Joseph L. Pfeifer with Mr. Houston.

Mr. Scanlon with Mr. Casey of Massachusetts.

Mr. Scrugham with Mr. Schuetz.

Mr. Wene with Mr. Sikes.

Mr. Lynch with Mr. Weiss.

Mr. Merritt with Mr. Mitchell.

Mr. Eliot of Massachusetts with Mr. Johnson of Oklahoma.

Mr. Lyndon B. Johnson with Mr. Fitzgerald.

Mr. Kee with Mr. Kelley of Pennsylvania.

Mr. Buckley with Mr. Shannon.

Mr. Myers of Pennsylvania with Mrs. O'Day.

Mr. Klein with Mr. Smith of Virginia.

Mr. BOGGS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. RANDOLPH. Mr. Speaker, this completes the legislation on the District of Columbia Calendar for the day.

EXTENSION OF REMARKS

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include a speech made by Wheeler McMillen.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent that on tomorrow

row after the regular business of the day has been disposed of and at the conclusion of any special orders heretofore entered I may address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas [Mr. REES]?

There was no objection.

#### EXTENSION OF REMARKS

Mr. D'ALESSANDRO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech by the Honorable William Curran.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland [Mr. D'ALESSANDRO]?

There was no objection.

Mr. HEALEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio speech delivered by L. Metcalfe Walling, of the Wage and Hour Division, and also to include an article appearing in yesterday's New York Times.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. HEALEY]?

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article by Monsignor Ready, and an article by Brandon Bracken.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut [Mr. SHANLEY]?

There was no objection.

Mr. SAUTHOFF. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a poem written by a friend of mine.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin [Mr. SAUTHOFF]?

There was no objection.

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama [Mr. PATRICK]?

There was no objection.

LT. ERNEST H. DUNLAP, JR.

Mr. PATRICK. Mr. Speaker, I take this time to have the opportunity to place in the CONGRESSIONAL RECORD citation in my congressional district of which I am very proud, the citation of Lt. Ernest H. Dunlap, Jr., one of the real heroes of Pearl Harbor.

It will be pleasant to stand here and describe his acts of heroism, but this I shall not do save to present herewith the citation itself. It follows:

The Navy Cross was awarded and presented to Lt. (Jr. Gr.) Ernest H. Dunlap, Jr., at 4 p. m. Thursday, March 19, being cited in the following language:

Citation: "For distinguished service in line of his professional exceptional courage, coolness, and devotion to duty during the attack on the fleet in Pearl Harbor, T. H., by Japanese forces on December 7, 1941. When Lieutenant (Junior Grade) Dunlap found that his services in the fourth top as Spot O, on the U. S. S. Nevada, were not required, he joined

the secondary battery, supervised manning of guns and organization of ammunition supply, and maintained an accurate fire on low-flying enemy aircraft until seriously wounded by the explosion of an enemy bomb. Despite his wounded condition he assisted with the wounded until he himself collapsed."

FRANK KNOX,

Secretary of the Navy.

#### EXTENSION OF REMARKS

Mr. CHIPERFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Kewanee Star Courier, of Kewanee, Ill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. CHIPERFIELD]?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that on tomorrow and also on the succeeding day at the conclusion of the legislative business in order for the day and after any special orders heretofore entered, I may be permitted to address the House for 10 minutes on each day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

#### EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. If those who have special orders for today do not object. There are three or four prior special orders.

Mr. LELAND M. FORD. Mr. Speaker, due to the fact my colleague from Indiana [Mr. SCHULTE] has to catch a train and I am on ahead of him, I would like to yield my place to him with the understanding that I immediately follow him, and I ask unanimous consent that that may be done.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. LELAND M. FORD]?

There was no objection.

The SPEAKER. Under a previous order of the House, the gentleman from Indiana [Mr. SCHULTE] is recognized for 10 minutes.

#### WHY DISCRIMINATE AGAINST THE MILK PRODUCER IN THE MIDDLE WEST?

Mr. SCHULTE. Mr. Speaker, may I take this opportunity of thanking the gentleman from California [Mr. LELAND M. FORD] for his kindness—and he has always been that way since he has been a Member of this House.

Mr. Speaker, there is a condition existing in this country today affecting the

farmers who produce milk in my district in Indiana which also affects the milk-producing farmers in the districts of many of the Members of this Congress which I think ought to be brought to the attention of the Congress and of the people of the United States. The Department of Agriculture has gotten the dairy industry in the United States so completely mixed up and so completely befuddled that it is impossible for any farmer to know where he stands and why he stands there. In the hope that something will be done very quickly to change present conditions of the milk markets throughout the United States, I am going to tell you very briefly what it is all about and suggest some remedies.

The most outstanding feature of this situation is that the farmers in my district in Indiana who produce milk, although they are paying identical prices for dairy feed with farmers in the East, less a freight differential, and although our farm labor costs us considerably more than that in the East, we are getting less money for our milk than the farmers in the East. The remarkable part about this is that the Department of Agriculture, through its Marketing Division, is controlling the price to be paid to the farmers in my district and is controlling the prices to be paid to the farmers in the eastern districts, to which I shall refer. For some unknown reason I am getting in the neighborhood of \$2.44 per hundredweight for my milk, which is shipped to the Chicago market for the consumption of the people of that city, while the farmers who ship milk to the city of Washington at the present time receive for first-class milk, including premiums for cattle and barn scores, approximately \$4 per hundredweight. This represents a difference of approximately 12 cents a gallon. Everybody who has had any experience in the dairy business knows that if a farmer can make 3 cents a gallon profit he can quickly become well fixed if he has more than 10 cows. What I have been trying to find out for a long time, and what I think this Congress ought to find out now, is why the Department of Agriculture, through its Marketing Division, has fixed the price of milk to the farmers in my district in Indiana at something in the neighborhood of 12 cents a gallon less than that same Department has fixed to be paid to the farmers in Maryland and Virginia, who supply the District of Columbia with its milk. I think it is time for this Congress to seriously ask and to insist on being told why this terrific discrimination is made against my constituents and the constituents of many others who are in this Congress. I think it is time for this Congress to find out also why the Department of Agriculture, with the millions of dollars which we appropriate for this operation, seems to be devoting itself to the fixing of these discriminatory prices against your constituents and mine, and fixing prices for a large proportion of the fluid-milk markets of the United States, and have their noses stuck so deep into the milk situation that they cannot see straight; but the Department

of Justice has to be the one to discover that over 100 individuals and corporations in the Chicago area have been guilty of a conspiracy to fix cheese prices and thereby control the cheese markets in the United States.

With all the money we appropriate for the Department of Agriculture it certainly seems to me that we ought to ask why the Department of Agriculture in its control of the milk situation did not long ago do something about the cheese situation which the Department of Justice has unearthed and which constitutes a major scandal.

Some years ago we were told that the law of supply and demand had to be scrapped and thrown out the window, and that so far as farm products were concerned, the Department of Agriculture, through its Marketing Division, was going to solve the whole matter by what they called a planned economy and a full granary program. Now they have picked out certain milk-producing areas in the East which are strongly organized and, therefore, politically powerful, and have given to them tremendous increases in the prices they receive for their milk, and have attempted to justify it by saying that these markets are short of milk, and that the law of supply and demand must fix the price. In other words, when they want to give to some favored farm areas in the East a big boost in price, they reduce the process of the planned economy, and chuck it overboard in favor of the old natural law of supply and demand. As a matter of fact, there is no shortage and never has been a shortage of milk in the United States. There is more than enough milk in this country today to take care of all of our needs, both for fluid milk, cheese, and other byproducts, but these "highfalutin," eastern fluid-milk markets which command these more attractive prices have been rigged through the setting up of stringent health regulations with fancy frills and didos, paraded under the guise of health, but actually designed as barriers to keep milk from coming from my district in Indiana and from the districts of many of you gentlemen here, into these eastern markets and competing for this attractive price.

I want to warn this Congress now, and I want to warn the Department of Agriculture now, and particularly do I want to warn its Secretary, that unless something is done to protect the milk-producing farmers in my district, and in the other districts so affected, that I am going to do everything in my power to prevent the future appropriation of millions and millions of dollars to the Department of Agriculture which we have appropriated in the past for the purpose of straightening out this situation, and unless the Secretary of Agriculture gets busy now and actually does something about equalizing the fluid-milk prices among all farmers in the United States. It is high time that somebody does something to keep this country from being divided up into 48 sovereignties with trade barriers in between so as to effectively create a surplus in one location and effectively create a shortage in another, to the detriment of the one section and to the benefit

of the other section. It is high time that this Congress got serious about this matter and did something about it; but even if I have to stand up here alone, I promise you that I am going to do everything in my power to protect the milk-producing farmers of the United States who have been discriminated against by the Department of Agriculture in favor of others, to the point of objecting to every appropriation which the Marketing Division of the Department of Agriculture asks for, and to keep on doing it until I get some results, or until the Secretary of Agriculture fully realizes and appreciates his responsibility to my constituents, and to those of many others of you who are listening to me, and straightens out this unholy mess.

Mr. Speaker, please let it be understood that I am not advocating an increase in price to the consumers of Chicago, or to the consumers of any other market in the United States. I believe that the people of this country are paying enough for this milk at this time, but some attention has got to be paid by somebody to the terrific profits which are being made by the distributors of fluid milk. They must be told that they will have to cut out all the frills and doodads they have been using for many years. It is common knowledge in the industry that the business of producing milk is so extravagantly conducted that nobody, except the gigantic monopolistic corporations, can remain in the business in the big cities because of the terrific competition which they create through their expensive methods. Why, gentlemen, they literally throw money away to create highly adorned and fancy-shaped bottles. They spend millions a year on special deliveries. I have known milk distributors to send a truck 10 miles through the city of Washington to deliver a gill of cream to a customer. That gill of cream costs the customer about 18 cents, and costs the distributor about \$2 to deliver it. They do this because they want to eliminate the small distributor by making it impossible for him to compete with this kind of service. They put all kinds of fancy caps on the bottles under the guise of health, and in many large areas these distributors refuse to put a deposit on the bottle bought in a store so as to reduce their cost and allow the milk to be sold to the consumers at a low price. I am very reliably informed that in the city of Washington alone it costs the dairies over half a million dollars a year for bottles. You all know that the consumer is paying for this, and I say to you that the paying of a deposit of 3 cents on each bottle purchased at a store would practically entirely eliminate this cost and give the distributors almost half a million dollars to return to the consumers in the form of a lower priced milk.

With the war situation as it is today, and with full knowledge that rubber tires for milk trucks may very soon be unavailable, the distributors of milk throughout this country are going merrily on their way with everyday deliveries, and in some instances, two deliveries a day, wearing out the tires, wearing out the precious metals in the trucks, burning

precious gasoline and lubricating oils, and using labor very badly needed for war production, all for the purpose of keeping the price of milk to the consumer at a high level and eliminating the small man from the business.

Now, I ask you all, when are we going to do something about this, and what are we going to do? It is a challenge to this Congress, and I say to you that so far as I am concerned, I shall never cease my efforts to bring about some orderly procedure by the Department of Agriculture in the fixing of prices to be paid to farmers which will give every farmer, no matter in what part of the country who may produce milk, a decent price for his milk which will allow him to have a fair margin of profit. I intend to bring this matter to the attention of this Congress again, particularly when appropriation time rolls around and when the Secretary of Agriculture comes up here and tells us what a swell job he is doing for the farmers of America. But for the present, I want to challenge the Secretary of Agriculture to tell us why the farmers in my district, of whom I am one, now receive approximately 12 cents a gallon less for their milk than do the farmers in this eastern market, although both markets are under rigid supervision and control of the Secretary of Agriculture.

I said to you that I was going to suggest some possible remedies to this situation and how they can be brought about. Here they are: In the first place, the Secretary of Agriculture should be required to explain why he is favoring one milk market over another and told that he must equalize the markets and do it immediately. He has full power and authority under the Agricultural Adjustment Act, passed by this Congress, and all he has to do to bring about the change is to properly use the power of this legislation. The farmers can be given a decent price for their fluid milk all over the United States if these trade barriers between the States, erected under the guise of public health, are torn down, and the citizens of every State given an equal opportunity to buy and sell their product in every other State without the payment of tariffs in the form of large money expenditures to comply with foolish and unnecessary so-called health regulations.

Through the powers conferred by this Congress on the President of the United States and on various administrative agencies, to effectively and vigorously prosecute our war effort, the gigantic corporations which control the distribution of fluid milk in this country can certainly be made to do certain things which will effectively reduce their cost of operation and which will effectively permit a substantial reduction in the price of fluid milk to the consumer and at the same time permit a decent profit to be paid to the farmer. May I suggest that the first thing that these distributors be compelled to do is to eliminate all of these high costing and fancy bottle caps, which are costing the industry millions of dollars a year; a compulsory deposit on every bottle of milk which is sold in the stores of the large cities; a

compulsory every-other-day delivery of milk instead of daily and sometimes twice-daily deliveries; the elimination of all special deliveries except in cases of real emergencies; the elimination of costly frills in the adornment of milk bottles and cartons; the elimination of all foolish, unnecessary, and costly health regulations.

This latter remedy can be brought about through the compulsory adoption in the large metropolitan areas of the United States of the United States Public Health Service fluid milk regulations. All of you gentlemen may not know it, but this Congress has appropriated literally millions of dollars to the United States Public Health Service to develop a simple, plain, expedient, and inexpensive set of regulations governing the production and distribution of fluid milk. The Chicago market has adopted these regulations and nobody will contend that the people of that city are or have been in danger because of these regulations. Other large cities have adopted these regulations and they are working beautifully, but we find in the East many large markets which have completely ignored the Public Health Service regulations and have set up their own silly and highly costly rules. In these cases do we find the Secretary of Agriculture attempting to encourage the adoption of United States Public Health Service regulations for the purpose of reducing the cost of producing milk? No. To the contrary, we find the Secretary of Agriculture encouraging the continuance of other regulations by fixing a price to the farmers which will enable them, not only to comply with these costly regulations, but to continue to build them up. I have told this Congress before about some of the silly things which are provided in the health regulations of the District of Columbia. Every cow on this market must be furnished daily with four hemstitched towels, but you Members of Congress, who go to the Mayflower Hotel for dinner, only get one, and if you eat three meals a day there you will only get three altogether.

Now, who is paying for these hemstitched towels which the cows are using? The farmer must buy them and in order to stay in business he must pass the cost along to the consumer. United States Public Health Service regulations have no such silly rules, but the trouble is we cannot get the Department of Agriculture to support the United States Public Health Service program which is another department of our Government and which has been universally recognized by the people as a sound and sensible set of health rules in the production of milk.

It is my hope and expectation that this Congress will really do something to bring about a decent and sensible solution of the milk problem for the farmer and the consumer. Let us begin by breaking down the trade barriers between the States, so that if the good people of New York or Philadelphia and the other eastern cities want milk from my district, they can get it at a fair price. As it is now, they can't get it at any price. The health authorities of these cities keep it out. What we need to do is to

say to the people of the United States that all milk produced under reasonable health regulations is fit to drink and let them get it at a reasonable price no matter where it comes from. This will help all the farmers of the country and will assist in building strong minds and bodies so badly needed by our people in this grave hour of peril.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The gentleman is a distinguished Democrat from a district that is very close to mine. Our interests are much the same. I wonder if the gentleman thinks our farmers in Michigan are being treated fairly.

Mr. SCHULTE. No; I do not. That is the reason I have included your farmers, because they come under that Chicago milkshed that attempts to establish a price for us of \$2.44 for the same kind of milk for which these men here are receiving \$4. That is the point I cannot understand.

Mr. SAUTHOFF. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from Wisconsin.

Mr. SAUTHOFF. May I add that because of climatic conditions we must build more securely and soundly, and have a heavier investment.

Mr. SCHULTE. By far, I would say.

In addition, in this particular area we find that they graze about 2 months in the year longer than we do, which, of course, gives them a decided advantage here; yet, in spite of all this, our prices fluctuate but theirs remain stationary.

As I said before, I do not want the cost of this milk to the consumer to be increased, because the minute that happens, consumption will be cut down, and we are trying to get milk to the people. Yet I cannot understand why that terrific differential should exist between the Middle West and the East, and why these barriers should be established, and established by the Department of Agriculture. If it is true that they can establish sheds which would be barriers for milk, which they are, why can they not establish barriers for potatoes, for butter, for eggs, for meats, or for anything else, if that is legally right?

The SPEAKER. Under a previous order of the House, the gentleman from California [Mr. LELAND M. FORD] is recognized for 15 minutes.

#### SUSPENSION OF THE 40-HOUR WEEK

Mr. LELAND M. FORD. Mr. Speaker, I was tremendously interested in two items that appeared on the front page of the Washington Post, Saturday, March 21. These items pertained to the fight that is put on against the suspension of the 40-hour week.

I was particularly interested in Mr. Philip Murray's statement that this was a "blitzkrieg on the part of labor baiters and enemies of government." Also at the top of the item, "C. I. O. calls 'extraordinary' meeting of constituent unions here Monday to resist Capitol drive for labor legislation." On that same page in the adjoining column and to the lower right

appeared another heading, "General Motors, union clash over double pay for holidays." In this item it stated that the C. I. O. are clashing with the General Motors over the question of double pay for work on holidays and that they wished to include Armistice Day in the holiday list. They also demanded flat \$1 a day wage increase with wage boosts every 90 days and a \$100 defense bond in lieu of vacation pay and the strengthening of the shop steward system.

I have always said that the C. I. O. union was one of the most destructive forces in our war program that could be found; that it was shot through with subversive interests who did not have the welfare of this country at heart; that the leadership was made up in many instances of socialistic, communistic, high-jacking, un-American, outlaw labor leaders that were misleading, overriding, betraying, and selling out for their own financial interest, the decent American rank-and-file men, who had been forced into the union against their will; that this great rank and file had never been permitted to honestly vote on strikes; that the orders were shoved down their throats, whether the rank and file liked it or not; that the C. I. O., in order to bolster its false position for those in power, had to resort to forgery, as they did in the Allis-Chalmers strike wherein 2,200 forged votes were used to control a strike election.

You are all familiar with the despicable Japanese negotiations prior to December 7. You know that Japan had its peace envoys here in Washington talking peace while at the same time it was moving its ships in to strike at Pearl Harbor.

It appears to me that Philip Murray now occupies this same position, in that he comes to Washington and prates in his demagogic way about what we have to do in our war effort. He would like to create the impression that he is here at Washington to help the war effort. He carries his demagogic, honey-coated words in his left hand about help to America, but in his right hand he carries the long, double-edged knife with which he would disembowel American war efforts, and this is their demand for more pay, more money, while thousands of our men are dying for the want of material, which his outfit is refusing now to furnish and has refused to furnish in the past because he has to have more money.

Can you square this action with the fact that men are dying for \$21 a month and a man like Murray is demanding more money, refusing to work over 40 hours a week, wanting time and a half for weekdays and double time for Sundays and holidays and where his men's lives are not in danger at all? I cannot square this out; neither can 95 percent of the American people.

Is it possible that Philip Murray, together with his other socialistic, outlaw labor subchiefs, has become so insatiated with the idea of his power that he has an acute case of dementia praecox with delusions of grandeur; that he has seen where they have beaten into submission so many honest labor men that he can now beat into the same submission the whole population of the United States?

My opinion is that if this is true, this gentleman, Philip Murray, is due for quite a shocking cure of his disease of dementia praecox with delusions of grandeur, because the American people are not going to send their sons and relatives to battle to die and have this man sabotage their war program.

Let us look into this man's past record. Is not this the man who might be dubbed "Short Memory" Murray? "Short Memory" Murray conveniently forgets that he is the man responsible largely for the loss of 17,000,000 man-days between January 1 and August 1 of last year, and God knows how many more prior to that date. "Short Memory" Murray would now like to get a scapegoat to blame for his own past actions. "Short Memory" Murray would try to forget when the generals of our Army and the admirals of our Navy pled with him to cease his strikes and told him that he was then ruining the war program of the United States. "Short Memory" Murray was told then that we did not have any powder. "Short Memory" Murray was asked to cease his strikes, his slow-downs, and the insistence upon his socialistic rights while denying any rights whatsoever to the rank and file of the laboring man—namely, his right to vote on strikes—and to the rank and file of the average American citizen who wanted to have an effective and efficient defense program. "Short Memory" Murray forgets that he tried to make O. P. M. his scapegoat and lay the blame upon them, when the responsibility, the fault, and the guilt for our armed forces not having airplanes, munitions, tanks, and so forth, was clearly his. "Short Memory" Murray would like to forget that he was told that at least he should come into the court of public opinion with clean hands and not with hands dripping in the blood of the men whom he had betrayed and who were then and now trying to defend this country.

The gall of such men as Murray is unbelievable, but, after all, is not this the kind of gall that goes with an acute case of dementia praecox with delusions of grandeur?

Does this "Short Memory" Murray now expect us, or any part of the American population, to have any confidence in him after he has so thoroughly sabotaged our program in the past? Does he think he can now come in and insinuate himself into a responsible and prominent position in this program and have the American people accept him? I say that he cannot, and that he should not be permitted to have a single word to say; that upon the ground of his past record I say further that I believe it to be the duty of the President of the United States to throw this man Murray out of the picture in no unmistakable terms. If the President wanted to really create more confidence in our people, he would do this and perhaps he would include those who have helped Murray such as Hillman, Perkins, Bridges, Freytag, and all of this ilk, and perhaps he would turn a little attention to the Attorney General, who is prone to consider the rights of the minorities, split hairs over them, and destroy the rights of the great majority.

"Short Memory" Murray has stated that the demand for the suspension of the 40-hour week is propaganda. Perhaps this is because it did not emanate from his highjacking, racketeering, socialistic, outlaw minority saboteurs in the C. I. O. Mr. Murray is going to learn another lesson here and find out that this demand comes from about 98 percent of the great American people who are fed up with such of his actions as they have been in the past, and they are now fed up to the point where they are no longer going to tolerate any of the past procedure.

I think that "Short Memory" Murray is just as insincere in his statements and professions here as he was when he said he would give all-out aid to our defense program in the past. He made those professions with one hand and continued to strike with the other.

Reviewing the past record, Murray and others were told that they would rue the day when these things went on and that there would be a day of reckoning.

That day of reckoning has now arrived and if Mr. Murray has not realized it, he has caused the loss of thousands of lives, millions of dollars worth of equipment, loss of tremendous territory, all of which can be attributed to his refusal to properly produce while there was still time, and it is now summed up in the defeats we are handed with the explanation "too little—too late." "Short Memory" Murray, I indict you here and now and say that the guilt and responsibility is still yours regardless of your honey-coated words. If ever a man has injured the United States you have done so, and in my opinion your injury has been far worse than that of Benedict Arnold, and further than that I see no reason in God's world why you should not be subject to the same penalty as any traitor in time of war should be subject to. Further, in my opinion, this continual demand for more money, your refusal to work the necessary hours, your demand for socialistic set-ups in industry are far worse in this hour of stress, need, and crisis, than any treason or fifth column activity could possibly be.

"Short Memory" Murray, if you have not realized it yet you have injured the cause of honest unionism far more than any man ever did.

We have stood on the floor of Congress for a series of years and pointed out to you the things that you were doing, and told you what was happening, but apparently you saw nothing except the money you could place in the pockets of the subversive racketeers within your ranks and that increase of sinister power that these small minorities consisting of yourself and a few others were wielding over the helpless and defenseless worker. You have done well for yourself, at least temporarily, but when the final story is written there may be an entirely different picture, as far as not only yourself, but every person in the United States is concerned. I say this, having in mind the parallel actions of your counterpart in France. In my opinion you have certainly carried out that European program, and that has been pointed out to you many, many

times. You cannot say you were uninformed, but if your ideas prevail this country may be as prostrate before the enemy as is prostrated France today.

This country is at war today, and I say it is the duty of the administration to come out with a strong statement in which it will be backed by 95 percent of the public, in connection with the suspension of the 40-hour week. Is this administration going to ask that our people do without automobiles, without sugar, without gasoline, and let this "Short Memory" Murray get away with the things that he is trying to get away with? If it is necessary, our people will do without everything that they are asked to do without, but at the same time, they are not going to do without these things and see these outlaw racketeers enrich themselves at the people's expense, and neither are they going to much longer sit idly by and see these socialistic gains go on under the guise of social advances and see billions of dollars of our Treasury funds thrown away and wasted and paid out to racketeers. Particularly, when their sons and men are fighting and giving their lives, spilling their blood for \$21 a month. I say to the administration, that it had better open its ears to public opinion, because this public is now thoroughly aroused, on not only this matter, but many others and they are no longer going to stand for the things which have been going on. This administration cannot join forces with "Short Memory" Murray and through their publicity departments say that this demand for the suspension of the 40-hour week is propaganda of any small group of American citizens. This demand comes to me from all over California, and after consulting my colleagues, I find that it comes from practically every State in the Union.

Every single one of us would give everything that we have to help win this war but we are not going to sit idly by and see our men die on foreign fields, and at the same time be betrayed and sold out at home, and particularly in our Nation's Capital. I think I am a friend of the administration when I advise them of these things and ask that this action which amounts to treason be stopped and stopped immediately.

Does this administration believe that it instills any confidence in the buyers of our war-saving stamps and bonds, where poor people are asked to contribute their nickels and dimes to find out that these men are demanding 10 and 12 times as much per month as our fighters are getting, who are dying in the field? Does the administration think that it inspires confidence in these buyers to see the billions being handed to the group headed by "Short Memory" Murray? If so, it had better lend an ear to the voice of the great American people.

The SPEAKER pro tempore (Mr. PATMAN). Under a previous order of the House, the gentleman from California [Mr. VOORHIS] is recognized for 10 minutes.

#### PRODUCTION OF ALUMINUM

Mr. VOORHIS of California. Mr. Speaker, in southern California is located more than 50 percent of the total air-

craft production capacity of the country. Airplanes require a tremendous amount of aluminum for their construction, and at present the principal bottleneck is to be found not in labor or airplane management or production facilities but in the supply of metals. It would have seemed logical, in view of the fact that the aluminum had to be used in southern California, to have located some of the new aluminum plants built with Government money in that area. Indeed, a very large aluminum ingot plant is being constructed there at present. But when it came to locating the aluminum sheet rolling mills, it was decided to locate part of this capacity in the vicinity of Spokane, Wash., and part of it near Chicago. I am utterly unable to see the logic of this decision. It means that raw material will be shipped to Los Angeles to be made into aluminum ingots at the new ingot plant, and then the ingots must be shipped either to the Canadian border or else to Chicago or Louisville in order to be rolled into sheets, and then the sheets must be shipped back to Los Angeles again to be put into the airplanes. The unnecessary burden on our transportation system in this situation is obvious.

Southern California does not expect a lot of new war industries to be located in our area. But we do think it is wise and no more than fair for us to have a balanced industrial unit for aircraft production instead of leaving us with everything except the sheet rolling mill which would have enabled us to supply the requirements of our aircraft industries with a very small transportation cost indeed.

If the objection is raised that new plants should be located in the interior because the Japs might bomb our coastal areas we would reply that we would enter no argument whatsoever against the location of brand-new aircraft or other factories at further distances from the coast, but that in the case of this sheet mill, we feel the situation is altogether different. The Japs will not try to bomb us any harder if we have the sheet mill than they would without it. And furthermore, if anybody is going to indulge in wild conversation about moving whole factories away from the Pacific coast we want to ask them what they are going to do about the oil wells and the shipyards which cannot possibly be moved and also about the three and one half million people who live in the Los Angeles area. The simple truth about the business is that we must, we can, and we will successfully defend this area against attack and I do not believe there is anyone who would disagree with me about that.

I return therefore, to ask the question once again: "Why was the one vital and final link that would have given southern California and the Nation a balanced industrial unit for the production of airplanes in our area taken away from us and moved 1,400 and 2,000 miles away?"

I do not know the reasons nor question the motives that led to this. I do know it will make it more difficult after the war for effective competition to be established in the production of aluminum. I

also know it will place the automobile companies now going into airplane production in a more favorable position in comparison to our experienced aircraft manufacturing companies when it comes to getting necessary materials.

I have absolute confidence in Mr. Donald Nelson. But I reiterate here what I have said many times before and what I have put into a bill, namely, that Mr. Nelson ought not to have to depend upon the assistance of anyone who draws his pay from any private corporation or organization or who is not directly and exclusively on the pay roll of Uncle Sam.

Mr. Speaker, I want now to address myself to another subject which has been very much before the House in recent days—that is, the subject of labor legislation. I have studied this question. I have studied everything about it. I shall cast my vote in accordance with whatever I believe to be best for winning this war for the United States. I shall not cast it in accordance with any reference to my own opportunities or chances for reelection. I think the consideration of it should be pointed at the question of what is going to increase production, and I do not think any other consideration should enter. I do not think, for example, that this is a good time, with the cost of living going up, to institute a Nation-wide wage cut. Yet that is what some people are advocating, without perhaps knowing it.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS of California. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Does the gentleman from California believe it to be necessary to provide incentive pay to workmen or anybody else in the country to get them to produce to win the war?

Mr. VOORHIS of California. I do not believe it to be necessary to do anything to get labor to produce in this country. My belief is that the average worker and the average everyone else is eager to do just one thing—to help America win this war. Further, I think that for anybody to even suggest that there could possibly be a general strike or anything like it is extremely bad policy and harmful and unfair. There just are not going to be any strikes that interfere with our war effort. What happened at North American Aircraft settled that once and for all.

I believe it would be a mistake for Congress to pass a bill which would amount simply to a blanket wage cut over practically all the country, but particularly among unorganized, low-paid workers, who are not organized and have no collective-bargaining agreements. I have taken the trouble to investigate the average number of hours that are now being worked. The average number of hours worked in all our war industries is in excess of 48; as I believe it should be. Therefore, if we repeal the Wage and Hour Act, or suspend it, without taking any other action at all, we shall not have increased the number of hours worked, and all we shall have done is institute a pay cut.

Now it occurs to me, that unless the House wants to cut the wages of labor

by law—and I do not believe it does—then if the House is going to consider extending the standard workweek to 48 hours at the same time there could and should be an adjustment of basic pay rates to make up for that loss. On the basis of present hours being worked, if we suspend the Wages and Hours Act we will not increase hours, but we will cut pay about 8 percent in most of the industries of the country. I ask the Members—will that help win the war?

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield there?

Mr. VOORHIS of California. I yield. Mr. SMITH of Ohio. The gentleman does believe, however, that no group of people in the United States needs incentive pay to carry on their part of the war program?

Mr. VOORHIS of California. Let me answer the gentleman in this way. We are operating all our industry at present on the theory that industry requires a certain margin of profit, are we not? And, in some cases, industry is getting a very gigantic margin of earnings which I think is a problem Congress needs to deal with because I think some of these profits are unconscionable. Indeed, I proposed to the Ways and Means Committee that top excess-profits tax rates should be 95 percent. If that were done we would be in a much different position asking sacrifices from other groups. At the same time, we have little businesses that are going broke because they are not in this field and this is not just and equitable. I think we ought to recognize this in our tax laws too, and I propose a \$10,000 exemption for small businesses for that reason. We have got to recognize this, I will say to the gentleman from Ohio, and either we have got to make up our minds we are going to go ahead permitting a margin of profit and a fair wage, doing the best we can with the nearest approximation we can make to our ordinary system in America. If we decide to go ahead on that basis there are bound to be some maladjustments from time to time—some places where things will not work perfectly. We have either got to do that and take a constructive attitude toward our production effort or else we have got to say we cannot get along this way.

Then we will have to consider what people really mean when they talk about drafting capital and labor and what that involves. Of course, you could cut out all these things; you could cut out all profits, all overtime pay, all labor-union activities; but if you are going to do those things, then it must be Uncle Sam that everybody is working for, directly and not a private employer. We can draft people to work for their Government, just as we have drafted men for the Army. But we cannot draft anyone to work for another man's profit. Now, I hope and believe we can win through without taking these extreme steps. But some of the demands now being made on Congress for putting everyone more nearly in the same boat with the men in the armed forces have got to be thought through fearlessly to see what they lead to.

Mr. SMITH of Ohio. If the gentleman will allow this observation, he undoubtedly has read the Truman committee report?

Mr. VOORHIS of California. Yes; I have.

Mr. SMITH of Ohio. Does the gentleman think Congress has done as much as it should to correct the situations which were revealed in that report?

Mr. VOORHIS of California. Does the gentleman refer to the latest report they made just after they returned from the Pacific coast?

Mr. SMITH of Ohio. It is called the Truman report, and it is the one that refers to the building of all of these cantonments. I refer to the overcharges and graft in connection with contractors involved in the construction of cantonments, defense houses, and so forth, as was revealed by the Truman report.

Mr. VOORHIS of California. I thank the gentleman and I will say to the gentleman that I think we could do more. I think we could end these excess profits. I think we could provide severe penalties against provable graft by anyone—contractor, walking delegate, or anyone else. I think there are certain things that labor has been responsible for which have retarded production. Some of them frankly I do not know how to get at by legislation. I am afraid there are a few instances where there have been restrictions on production imposed. Such things should be stopped. I do not find the wage-hour law has retarded production up to this date at all. I do think double time for Sundays and holidays has, and that there should not be double time paid unless a man has worked more than 6 days in a week. But I think the biggest bottleneck of all that we have had has been the shortage of certain metals which is the direct result of the refusal of some of the great monopoly corporations to permit expansion of that industry to take place sooner than it did. Now you ask me whether Congress has done the best it could. Congress is a National Legislature. Congress can lay out matters of general policy, but it cannot go out and organize production nor can it build ships or airplanes. But, Mr. Chairman, let me say that the one thing Congress could do that would help more than anything else would be to lay down a policy now for the duration of the war and then quit agitating against the fellows who are actually building the planes and tanks and guns every couple of weeks and keeping everybody upset about the matter. If we are going to legislate at all I think we ought to put in this bill a broad statement or policy regarding the important questions that may come before the War Labor Board for the duration of the war. Such action would have to be fair and just all around, but it might be a great help to the Board.

If I can be shown anything that is really retarding production, I will vote against that thing. But I will not support a move to cut low-paid labor just because it can be gotten away with on the pretext of it being a war measure when in reality it is no such thing.

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include an editorial from the Mobile Register.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

#### THE 40-HOUR WEEK

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. NORTON. Mr. Speaker, there seems to be so much misinformation going to the country from various sources that I shall attempt to present a few facts in the hope that they may be published as widely as has been the misinformation.

This House has for some days listened to attacks on the Wage and Hour Act. Some of the gentlemen who have made them fought this legislation when it was introduced. They are still fighting it. All the groups which opposed enactment of a statute to give underprivileged workers a living wage are once more active and vocal in their denunciation of what they call the 40-hour law, and their point of view is receiving wide circulation from the press, by way of radio, and through the propaganda activities of certain groups.

All this clamor has built up the impression in the minds of many people that American workingmen are quitting their jobs on war production when they have worked a 40-hour week. That is the impression certain groups and individuals want to create for the purpose of destroying all laws which protect labor. Their tactics serve to arouse discontent among Americans and to breed disunity, and thus to play the game that Hitler wants played and that cashes in the chips for him and his gangsters.

Now, as to the facts, and they show conclusively that the plants where men are making the guns, tanks, planes, and ships, and other war equipment, are working many more than 40 hours per week.

Here is the record from a recent survey of war industries by the Bureau of Labor Statistics: 80.3 percent of our aircraft plants are working 120 hours or more a week; 64.2 percent are working 140 hours or more a week; 37.4 percent are working 160 hours or more a week.

In the aluminum industry 85 percent are working 80 hours or more, 55 percent 120 hours or more, and 30 percent 160 or more.

On blast furnaces 99.5 percent are working 80 hours or more each week, 97 percent 120 hours or more, and 80.3 percent 160 or more hours a week.

In chemicals, 100 percent are working 120 hours or more a week, and 85.1 percent 160 hours or more.

In shipbuilding, 92.1 percent of the yards are working 80 hours or more, 72.5 percent 120 hours or more, and 33.3 percent 160 hours or more.

Other war-industry plants surveyed show the same high percentages of plants working three- and four-shift operations of 40 hours each every week.

A compilation of data showing the proportion of workers employed overtime and the average amount of overtime worked by these workers in 16 important war industries in January 1942 showed that 96 percent of the workers in the machine tool accessory industry were working about 56 hours a week, 91.2 percent in the shipbuilding industry were working an average of 12.3 hours of overtime each week, 91.2 percent in the locomotive industry were working an average of 12.8 hours overtime every week, and in the engine industry 66.5 percent of the workers worked an average of 14.3 hours of overtime a week.

That is the answer to those who would have us believe that patriotic American workers are holding war production down to a 40-hour week.

The so-called 40-hour week does not, and never has, restricted the hours of work a man may put in. It simply provides that time and a half be paid for the hours he works over 40 each week. It has relieved the plight of a large underpaid group of workers. Without its protection—and I am quoting from an editorial in the St. Louis Post-Dispatch of March 8:

The unorganized workers in textile mills and the southern lumber industry, for instance, would soon sink back into their former misery and poverty.

Maybe that is exactly what some people want to see happen.

There has been the same sort of a campaign of misrepresentation against labor in connection with industrial disputes. Such propaganda has apparently taken hold, for many letters are being written indicating widespread belief that strikes are seriously impairing the war production effort and that legislation is needed to prevent strikes in the interest of the all-out war effort.

But the fact is that both the War and Navy Departments are on record that no such legislation is necessary. That also goes for the War Production Board.

The record shows that for the months of January and February 1942 the man-days lost by work stoppages in war plants was equal to about three-one-hundredths of 1 percent of the time worked. None of these strikes was authorized by the national officers of the unions, they were all of very short duration, and the lost time per capita did not average over 2 days.

American labor is patriotic. American workingmen and women are committed to an all-out effort for the land they love, for the institutions they cherish, and for the rights and privileges which they enjoy and which they will hand down to their children. They can be counted upon to fight, to work, and to sacrifice like every other patriotic American group. They do not deserve to be made the pawns of propagandists whose game, unwittingly, happens to lend aid and comfort to the enemy by stirring up discontent and disunity among our people.

## STATE SALES TAXES

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Speaker, during the morning hour the gentleman from California [Mr. LELAND M. FORD] indicated in his remarks that he was not satisfied with the protection that the Government was giving his State, California.

California, due to its long coast line, is today receiving more protection from the United States against attack and invasion than any State in the Union; more ships, more planes, more tanks, and more men are in that section of the country and on the high sea off of the coast protecting California than any other place in this country. Despite that, Mr. Speaker, California has had a lobby here for over 2 months, endeavoring to defeat legislation which, if it is defeated, will enable the State of California to bleed the United States Government; to say to the United States Government, "You cannot manufacture; you cannot assemble ships, tanks, planes, or munitions of war in our State unless you pay us a tax." California today has, by far, more national defense contracts than any State in the United States. Its Representative asks for protection and the State wants to charge the Government to manufacture implements to protect the State.

Mr. ROLPH. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Just a minute and I will give the gentleman from California a chance.

California has more defense contracts than any State in the Union, by far. It has a 3-percent sales tax. When hearings were conducted on this bill the gentleman from Tennessee [Mr. COOPER] brought out the fact from the representative of your State tax division that your sales tax in California had jumped nearly \$40,000,000. Remember you did not get a dollar of taxes in increasing your revenue that you cannot get after this bill passes.

I was the author of the original bill that they are trying to defeat. The last bill, introduced by the chairman of the Ways and Means Committee, the gentleman from North Carolina [Mr. DOUGHTON], does not take from the State of California \$1. It does not take away one right that the State of California had, up to last November. I repeat that in nearly \$40,000,000 increase in sales taxes, not a dollar of this kind of money was represented.

The gentleman from Colorado [Mr. HILL] also complained about the bill. He said we were trying to take away from his State money that would enable them to construct and maintain roads. Back in 1917 when we started the Federal-aid program for roads it was specifically stated in the organic act that we were participating for the purpose of building roads to be used for military purposes; to build roads to carry the mail. Since

1917 we have an investment in the Federal highways of this country of \$4,400,000,000. Now the hour has arrived when we need them for military purposes, and Utah and California are complaining because we are using them for military purposes without paying them for so doing. What are we using them for in California? To protect the State of California from invasion and attack. Listen to this and remember it. The gasoline tax has not been disturbed in this legislation. In fact, it has been made broader. States will be able to collect more money from the gasoline tax under the terms of this bill than they could have collected last November before the decision of the Supreme Court which makes this legislation necessary.

The States of this Union are not in bad shape. I was in Maryland about a month ago and I heard the Governor of Maryland make a speech. He was talking to real-estate men. He said:

Now I have some good news for you. Next year, due to our financial condition, we are going to reduce the tax on real estate 20 percent.

That is pretty nice.

I was in New York last week end and I read where Governor Lehman announced to the people of New York:

We are not only going to take away that 1-percent emergency tax on income that we had last year, but when you pay your income tax on April 15 this year, that will be wiped out and 25 percent more.

New York this year on the net income of 1941, is reducing taxes 26 percent. It is not like California and Utah and six other States.

My own State, Missouri, collected \$10,000,000 more in sales tax last year than it did the year before. It has gradually gone up. By reason of the tremendous amount of national defense contracts in my State, I predict it will go up \$20,000,000 more this year. It is bound to do so. That is not money coming out of the Federal Treasury. Those taxes were levied on the purchases of skilled and unskilled labor, who receive approximately 50 percent of our national defense expenditures. There is turn-over and turn-over, and each turn-over is taxed.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COCHRAN. As I said, there is turnover and turnover, and every time that money is spent you collect sales tax.

That is what is responsible for the increase. I say to you, as I have repeatedly shown in the RECORD, that unless this legislation is passed, two or three billion dollars will be handed out to the States. There are 22 States in this Union today that have a sales tax. Only 8 of those States are asking for taxes. There are 14 States that do not want to bleed the Government, but if we do not pass the legislation, then it behooves all the 48 States of the Union, not counting the

municipalities, to get busy and pass laws so they will get their end of these sales taxes.

Do you think the State of New York, that does not have a sales tax, is going to pay all the taxes it pays to the Federal Treasury and let other States in the Union collect money for national defense expenditures without New York's acting? Why, of course it is not. These gentlemen who are talking about this legislation will do well to investigate and read the bill and not listen to some State officials as to what the bill contains. Now I yield to the gentleman from California [Mr. ROLPH].

Mr. ROLPH. The gentleman from California [Mr. LELAND M. FORD] does not need any defense at my hands. I am surprised to hear the statements made by the gentleman from Missouri, from the city of St. Louis, which really sponsored California, for many of the covered wagons outfitted in St. Louis and came out in 1848 and 1849 to build up California. The gentleman ought to be proud to think that the State of California is now fifth in population and fifth in wealth and that it is one of 8, 9, or 10 of the States of the country that are putting more money into the Federal Treasury than they are taking out.

I do not know of any lobby here in Washington that has been lobbying against the gentleman's bill.

Mr. COCHRAN. I have been before the committees many times, but I have never been before a committee where there was any question touching taxes but what the California men were there; in fact, before the Rules Committee the other day there were so many Representatives from California that I said to one of them: "You had better change your song from 'California, Here I Come,' to 'California, Here I Am,'" because most of your delegation was there opposing this rule. The gentleman was not there but many of his colleagues were there.

Mr. ROLPH. Mr. Speaker, will the gentleman yield further?

Mr. COCHRAN. I yield.

Mr. ROLPH. I am one Representative from California who was not before the committee. If the gentleman wants to know why California has so many contracts it is because California has the plants and California has the goods. We have the plants, and that is the reason we have the contracts.

Mr. COCHRAN. Those Californians who are fighting this bill ought to be ashamed of themselves for the way you are attempting to tax the Federal Government. If I were a Californian I would be lowering my head in shame at what the State officials are trying to do to the Federal Government at this time. If the people of my State try to do to the Federal Government what the people of California are doing I will condemn them just as severely as I condemn the officials of California.

Everytime you tax a contractor that tax is added to the cost and is passed to the Federal Government and paid by the Federal Government. This legislation is not a bill to protect contractors but to protect the Federal Treasury and ex-

pedite production. Read the bill before you condemn it.

[Here the gavel fell.]

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan.

There was no objection.

Mr. HOFFMAN. One reason for taking this time is to ask the gentleman from Missouri [Mr. COCHRAN] the question whether he is striving for unity, whether he is trying to get California back into the Union if she has been out? I did not know she was ever out.

Mr. COCHRAN. California ought to get out of the Union if it will not go along—if she persists in her taxing of the Federal Government that protects her.

Mr. HOFFMAN. I yield to the gentleman further if he wants to make another declaration that California ought to get out of the Union. Now, tell us why.

Mr. ROLPH. I was just going to ask that question.

Mr. COCHRAN. Who are we fighting the war for if not the 48 States. California wants to tax the Government for the privilege of manufacturing munitions of war to be used to protect California.

Mr. HOFFMAN. I supposed the war was being fought for the preservation of the United States of America.

Mr. COCHRAN. What is the United States of America other than the 48 States?

Mr. HOFFMAN. And it is being fought, we were told, to extend the "four freedoms" to all the world, including India. Believing, of course, as I do that Great Britain should soon grant independence to India if the "four freedoms" are to be carried to all the world, I hope she will not wait until it is too late.

I want also to say that the statement of the gentleman from New Jersey [Mrs. Norton] was another great unity speech, especially that part of it where she charged directly—or if not directly, at least indirectly and by inference—that those of us who wanted labor legislation were inspired by the Nazis. Now, that surely will smooth things over, will it not? It is right in line with the statement that Mr. Walling made Saturday in New York to the effect that these letters we have been receiving demanding labor legislation came from Nazi propagandists. I want to read a copy of a letter which was sent to me, the original of which was sent to the President of the United States. It is from the McDonald Dairy. Omitting the salutation, it reads:

MCDONALD DAIRY CO.,

Flint, Mich., March 18, 1942.

It is you who are misinformed. Make no mistake about it. The people of this country understand that men can work more than 40 hours if they want to, so far as the law is concerned, if they are paid enough.

The people are much better informed than you are because they know in Flint, for instance, that night before last the Fisher

Body local, United Automobile Workers, passed a resolution against working any faster in the war effort. The resolution was published in the newspaper. They know that on the tank plant the surveyor rodman was stopped from driving his own stakes and a needless man sent along to drive them. They know that bricklayers are restricted ridiculously in the number of bricks they are permitted to lay in a day on some Government projects. They know that union men prevent their fellow workers turning out the amount of work that can be done very comfortably. They know that Robert Travis, who called a strike in a California bomber plant, causing you to send soldiers there, is now in a key position in the Congress of Industrial Organizations, and Flint people know that this is the same Robert Travis that caused the switches to be pulled in the electric power plants supplying Flint.

Misinformation there certainly is, but it is not on the part of the people who see and know these things first hand. We don't get our information from William Green, or Philip Murray, or John Lewis, head of the Workers and Peasant Party. We can lose this war. In fact, we are losing this war. You had better let Congress alone in this matter of bringing about more work. More work is one of the things essential to winning and paying for the war.

Yours very truly,

W. A. McDONALD.

Now, I will say to the gentlewoman from New Jersey [Mrs. Norton] that she gets just nowhere except into trouble by calling names. If she, or any other new dealer or Communist, thinks she or they are the only loyal citizens, then they having ears hear not, having eyes they see not.

Neither she nor anyone else is frightening anyone by falsely charging others with a lack of patriotism. Such charges are not only silly but show a self-satisfied complex that is amusing.

[Here the gavel fell.]

Mr. Speaker, I yield back the balance of my time and ask unanimous consent to revise and extend my remarks and include therein the letter referred to.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech recently made by Judge Leo H. Leary, of Boston, Mass.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### L. METCALFE WALLING

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island [Mr. FOGARTY]?

There was no objection.

Mr. FOGARTY. Mr. Speaker, the name of L. Metcalfe Walling was mentioned three or four times here today, and I want to inform the House that Mr. Walling is a constituent of mine, and I want to say a word about this young man who has been maligned here on this floor for the horrible crime of standing up for the man who works for a living.

Metcalfe Walling, who was recently appointed as Administrator of the Wage and Hour Division of the Department of Labor, has had a great deal of training for the post he occupies. His appointment was not a flash in the pan, but came about because of his long, hard work in his chosen field—that of labor relations.

He was born a member of a conservative Republican family, in December 1908, in the town of North Smithfield—one of my State's oldest and most conservative towns. He was graduated from Phillips-Exeter Academy in Andover, Mass., and received his degree from Brown University in 1930. He received his LL. B. from Harvard Law School in 1933. The following year he was admitted to the bar of the State of Rhode Island.

He was named labor compliance officer and legal adviser to the N. R. A., and in 1935 was named director of labor for the State of Rhode Island, while the present junior Senator from Rhode Island was the Governor of my State. During this period, with Senator GREEN in the executive office, the present Lt. Comdr. Robert E. Quinn, the State's Lieutenant Governor, and Metcalfe Walling, the State's director of labor, there was enacted the greatest program of social legislation my State had ever known. In fact, it was the greatest such program any State had put into action in such a short period of time. There was enacted a minimum-wage law—48 hours for women and children—a child-labor law—and mind you, a child-labor law which was considered the finest in the country. There was set up for the first time a special division of women and children in the department of labor. The State set up its unemployment compensation division, and enacted many far-reaching amendments to the Workmen's Compensation Act, including an amendment providing for occupational diseases, which inclusion had hitherto been frowned upon. The State enacted a prevailing wage law for public works—roads and bridge construction—and set up the State and Federal reemployment agencies.

There were more accomplishments—many of which never saw print—but many of which are deeply imbedded in the minds of the people of the State who saw themselves receiving the treatment which is accorded decent citizens of the State, and with no one making excuses for according them that treatment to which they were entitled.

Metcalfe Walling, in 1937, was named head of the Public Contracts Division of the Labor Department, and headed the administration of the Walsh-Healey Act. He has served in that capacity with honor and distinction until his recent appointment to the Wages and Hours Division.

Here men, elected by the people to serve the peoples' interest, are preaching unity and doing their level best to destroy the greatest exhibition of unity that this country has ever witnessed. Gentlemen from Michigan, Georgia, and Virginia stand here and renew their attacks on labor and find they have willing followers in men who are misguided by the press of the country, who in its zeal to follow past paths and continue the de-

struction of labor, as usual, are rapping every member of organized labor, even though in the State blamed for the inauguration of this alleged crusade—Oklahoma—there has never been a strike in a defense industry. These men stand here and attack a young man whose greatest sin is that he has the courage of his conviction and he follows truth, and serves truth, no matter what the consequences and no matter whose toes are stepped on. Do you plead the cause of subservient men? Do you ask for men who can be dictated to by the press—the press who will serve itself first, no matter what the consequences? Or do you want a man who recognizes justice and fair play—and who knows, in all this cry of doing away with the 40-hour week, that there is in the country an army of over 4,000,000 unemployed—this in the midst of the greatest demand for workers the country has ever seen?

This is not a member of organized labor who has been attacked here on this floor; this is a member of your Government and my Government. This is a man who is trying to serve his country, and who has proved by past performances his ability to serve his country well and faithfully.

This is a man who tries to defeat his country's enemies' attempts to undermine our unity, to show a solid front to the enemy, and as his reward for his faith in his fellow man he receives from this—this high tribunal of the House of Representatives—ridicule and abuse. If that is serving the country's cause, then I have been gravely misled.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HARE, for 3 days, on account of death in family.

#### EXTENSION OF REMARKS

Mr. ROLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD and to include an editorial from the Daily Commercial News entitled, "A New Era Dawns on the Water Front."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. ROLPH]?

There was no objection.

Mr. ROLPH. Mr. Speaker, for nearly half a century the Daily Commercial News has served the business and commercial fields in San Francisco. This interesting paper is published every day except Saturdays, Sundays, and holidays.

Theo F. Coleman is its energetic capable editor and on March 16, 1942, he wrote an editorial captioned "A new era dawns on the water front."

The article sets forth a spirit of complete cooperation in San Francisco's shipping industry for all-out effort to win the war.

The Maritime Industry Board mentioned in the article will settle by decision within its own membership any questions in dispute.

Americans everywhere I am sure will be interested in reading Mr. Coleman's editorial which follows:

[From the San Francisco Daily Commercial News of March 16, 1942]

#### A NEW ERA DAWNS ON THE WATER FRONT

The power to increase longshore efficiency in the loading and discharging of vessels in Pacific coast ports.

The power to waive collective bargaining agreements "and any rights therein of either party" if such agreements interfere with the war effort.

The power to promulgate its own rules and regulations for the performance of its duties.

These, in substance, are the powers of the Pacific Coast Maritime Industry Board, created last week by executive order of Admiral Emory S. Land, with full approval of President Roosevelt.

Admiral Land acted after consulting with Dean Wayne L. Morse, a public member of the National War Labor Board and coastwise arbitrator under the Congress of Industrial Organizations longshore contract.

He established the board as an agency of the War Shipping Administration, of which he is chairman. He made it clear that he had but one purpose in mind—"to raise production levels of the longshore industry of the Pacific coast to the maximum."

Explaining the situation more fully, Dean Morse in a recent address before an assembly at the University of Oregon, where he is dean of the law school, had this to say:

"For the past 6 years there have been quarrels and wrangles over employer claims of a slow-down and union claims of a speed-up. As far as I am concerned as arbitrator under the longshore contract, I want to hear no more of that argument."

"I want, the country wants, our armed forces have the right to expect a longshore speed-up and more speed-up, and then some more."

"I have allowed the longshoremen under present conditions wages sufficiently high so that they should have every incentive to exert the maximum of energy and effort in clearing our west-coast docks of cargo just as fast as there are ships in which to put it."

The board is definitely an instrument of the United States Government. And never before in the history of American labor relations has any such board been given powers more sweeping or far-reaching than those held by this agency.

Morse is chairman of the board but will leave actual running of the organization to his personally selected vice chairman, Professor Paul Elie, director of industrial relations at Stanford University, who, in the absence of the chairman, will have full power in all decisions, voting in the Chairman's place.

Besides the chairman and vice chairman, the board will consist of four regular members, two representing employers and two representing labor.

In addition, there will be six alternates. Two will stand by for the employer members, two for the Congress of Industrial Organizations International Longshoremen's and Warehousemen's Union and two for the American Federation of Labor International Longshoremen's Association, who will sit on the board in place of Congress of Industrial Organizations members when the agency is considering disputes or investigations in the American Federation of Labor ports of Tacoma, Anacortes, and Port Angeles.

All appointments are made by Admiral Land, but unions and employers will nominate members they seek to have represent them. It is understood that both sides already have made nominations. Admiral Land is not required to follow the recommendations, but it is expected he will. Thus far Dean Morse and Professor Elie are the only two persons actually named to the board. The other appointments will be made shortly.

The board marks the beginning of a new era in labor relations on Pacific coast docks. It has the power to suspend obsolete and cumbersome working rules in order to speed up production. It must and will use that power.

THEO. F. COLEMAN.

#### ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 6543. An act to amend certain provisions of the Internal Revenue Code relating to the production of alcohol.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1696. An act for the relief of Bessie Walden; and

S. 2208. An act to further expedite the prosecution of the war.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On March 20, 1942:

H. R. 6758. An act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones.

On March 23, 1942:

H. R. 6543. An act to amend certain provisions of the Internal Revenue Code relating to the production of alcohol.

#### ADJOURNMENT

Mr. FOGARTY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 24, 1942, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Tuesday, March 24, 1942, at 10 a. m., for consideration of H. R. 6483. The hearing will be held in room 1304, New House Office Building.

##### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. on Tuesday, March 24, 1942. Business to be considered: Hearings on H. R. 6799, flying hours of air pilots.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, April 14, 1942. Business to be considered: Hearings along the line of the Sanders bill, H. R. 5497, and other matters connected with the Federal Communications Commission.

##### COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will hold a hearing at

10:30 a. m. on Wednesday, March 25, 1942, and H. R. 6529 and private bills.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1520. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1942, to remain available until June 30, 1943, amounting to \$1,700,000, for the Department of Justice (H. Doc. No. 682); to the Committee on Appropriations and ordered to be printed.

1521. A letter from the Archivist of the United States, transmitting a list of papers, consisting of 142 items, which certain Government agencies have recommended for disposal; to the Committee on the Disposition of Executive Papers.

1522. A letter from the Secretary of the Interior, transmitting a draft of a proposed bill relating to the status of certain natives and inhabitants of the Virgin Islands; to the Committee on Immigration and Naturalization.

1523. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill to discharge more effectively the obligations of the United States under certain treaties relating to the manufacture and distribution of narcotic drugs, by providing for domestic control of the production and distribution of the opium poppy and its products, and for other purposes; to the Committee on Ways and Means.

1524. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Engineers, United States Army, dated September 30, 1941, submitting a report, together with accompanying papers, on a preliminary examination and survey of, and a review of report on the Saco River, Maine, authorized by the Flood Control Act approved on June 22, 1936, and requested by resolutions of the Committee on Flood Control, House of Representatives, adopted on March 27, 1936, and the Committee on Commerce, United States Senate, adopted on March 28, 1936; to the Committee on Flood Control.

1525. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Department of the Interior for the fiscal year 1943, amounting to \$366,370, in the form of amendments to the Budget for said fiscal year (H. Doc. No. 683); to the Committee on Appropriations and ordered to be printed.

1526. A letter from the Secretary of Agriculture, transmitting a report of the Administrator of the Agricultural Adjustment Administration, 1941; to the Committee on Agriculture.

1527. A letter from the Secretary of Commerce, transmitting a draft of a proposed bill to authorize the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McGEHEE: Committee of conference on the disagreeing votes of the two Houses, H. R. 5784. A bill to consolidate police and municipal courts of District of Columbia, and for other purposes; without amendment (Rept. No. 1934). Ordered to be printed.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6812) for the relief of Robert C. Duff; Committee on Military Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 6810) granting a pension to Amelia Branson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 6818. A bill authorizing the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mrs. ROGERS of Massachusetts:

H. R. 6819. A bill to provide that written statements required by the Civil Service Commission may be made without the formality of an oath, and for other purposes; to the Committee on the Civil Service.

By Mr. HINSHAW:

H. R. 6820. A bill to provide for the closing of certain foreign language schools in time of war; to the Committee on Education.

H. R. 6821. A bill to promote the defense of the United States by prohibiting the conducting of foreign language schools; to the Committee on Education.

By Mr. BEITER:

H. R. 6822. A bill to extend the benefits of the United States Employees' Compensation Act to certain persons, and to the widows, children, and dependents of certain persons, injured while fighting fires on property under the exclusive jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. PETERSON of Georgia:

H. R. 6823. A bill to amend an act entitled "An act to expedite the prosecution of the war effort," approved December 18, 1941; to the Committee on the Judiciary.

By Mr. RANKIN of Mississippi:

H. R. 6824. A bill to make temporary disability ratings of World War veterans permanent after 10 years; to the Committee on World War Veterans' Legislation.

By Mr. POWERS:

H. R. 6825. A bill to provide for the award to civilians of the Lincoln Cross and the Lincoln Medal, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. COLMER:

H. R. 6826. A bill to provide for the reclassification under the Selective Training and Service Act of 1940 of employees engaged in war production participating in strikes; to make it unlawful for persons to conspire to stop or slow down production in war contracts; to suspend the 40-hour week and provisions for overtime compensation; to limit the profits on war contracts; and for other purposes; to the Committee on Military Affairs.

By Mr. GEHRMANN:

H. R. 6827. A bill subjecting the Indians of the States of Michigan, Minnesota, and Wisconsin to laws of the respective States; to the Committee on Indian Affairs.

By Mr. KNUTSON:

H. R. 6828. A bill to amend Public Act 274 of October 16, 1941 (ch. 445, sec. I, 55 Stat. 742), entitled "An act to authorize the President of the United States to requisition property required for the defense of the

United States"; to the Committee on Military Affairs.

By Mr. MAY:

H. R. 6829. A bill to equalize the rates of pay of all personnel in the United States Army, the Philippine Scouts, and the Philippine Commonwealth Army, and for other purposes; to the Committee on Military Affairs.

By Mr. RANKIN of Mississippi:

H. R. 6830. A bill to provide emergency relief for certain tornado victims and for the restoration and reconstruction of certain devastated areas; to the Committee on Banking and Currency.

By Mr. VINSON of Georgia:

H. R. 6831. A bill to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

By Mr. WHITE:

H. R. 6832. A bill to repeal section 3 of the Standard Time Act of March 19, 1918, as amended, relating to the placing of a certain portion of the State of Idaho in the third time zone; to the Committee on Interstate and Foreign Commerce.

By Mr. WEISS:

H. R. 6833. A bill for the purpose of conserving gasoline and oil; to the Committee on Interstate and Foreign Commerce.

By Mr. MAY:

H. R. 6834. A bill to authorize the Secretary of War to approve a standard design for a service flag; to the Committee on Military Affairs.

By Mr. THOMAS of Texas:

H. R. 6835. A bill to remove limitations on the hours of employment during the continuance of the present war; to the Committee on the Judiciary.

By Mr. WHELCHER:

H. R. 6836. A bill to readjust the compensation of men in the armed forces of the United States of America; to the Committee on Military Affairs.

By Mr. DIRKSEN:

H. R. 6837. A bill to amend section 43, title 2, United States Code, relating to mileage of Senators, Representatives, and Delegates; to the Committee on Expenditures in the Executive Departments.

H. R. 6838. A bill to amend the Banking Act of 1876, as amended; to the Committee on Banking and Currency.

By Mr. MAAS:

H. R. 6839. A bill to provide for the appointment in the Naval and Marine Corps Reserves of persons with physical disabilities, and for other purposes; to the Committee on Naval Affairs.

By Mr. McLAUGHLIN:

H. R. 6840. A bill to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. HOFFMAN:

H. Res. 464. Resolution to appoint a committee to investigate pro-Nazi charge; to the Committee on Rules.

By Mr. BOREN:

H. Res. 465. Resolution to establish a special committee to investigate the payment of fees and dues as a condition of employment on national defense projects with a view to presenting legislation to the Congress to curb and correct such practices; to the Committee on Rules.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New York memorializing the President and the Congress of the United

States to pass legislation to change the laws and regulations affecting the border between this country and Canada; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CUNNINGHAM:

H. R. 6841. A bill for the relief of The Tours Apartment Hotel; to the Committee on Claims

By Mr. MACIEJEWSKI:

H. R. 6842. A bill for the relief of Robert J. Eitel, Max Eitel, and E. J. Coyle, of Chicago, Ill., a copartnership doing business under the name of the C. & E. Co.; to the Committee on Claims.

By Mr. WILLIAM T. PHEIFFER:

H. R. 6843. A bill for the relief of Dr. Manfred Sakel; to the Committee on Immigration and Naturalization.

H. R. 6844 (by request). A bill for the relief of Emil Chalupa; to the Committee on World War Veterans' Legislation.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2584. By Mr. ROLPH: Resolution of the American Legion, C. C. Thomas Navy Post, No. 244, San Francisco, Calif., regarding war production; to the Committee on the Judiciary.

2585. By Mr. CULLEN: Petition of the Legislature of the State of New York, respectfully requesting Congress to speedily bring about and put into effect any necessary changes in our laws and regulations affecting the border between this country and Canada to the end that unnecessary restrictions may be removed and that travel of persons and movement of products may be facilitated for the purpose of promoting a harmonious, an efficient, and a victorious prosecution of the existing war; to the Committee on Ways and Means.

2586. By Mr. CUNNINGHAM: Petition of 2,536 members of the Northwestern Union of Telephone Workers, protesting against inclusion of the Bell System pension plan under the pending Morgenthau tax proposal for pension trust funds; to the Committee on Ways and Means.

2587. By Mr. FITZPATRICK: Petition of the New York State Legislature, requesting Congress to effect any necessary changes in our laws and regulations affecting the border between this country and Canada to the end that unnecessary restrictions may be removed and movement of persons and products facilitated for the purpose of promoting the harmonious, efficient, and victorious prosecution of the existing war; to the Committee on Ways and Means.

2588. By Mr. KEOGH: Memorial of the Legislature of the State of New York, respectfully requesting the Congress to speedily bring about and put into effect any necessary changes in our laws and regulations affecting the border between this country and Canada to the end that unnecessary restrictions may be removed and that travel of persons and movement of products may be facilitated for the purpose of promoting a harmonious and efficient and a victorious prosecution of the existing war; to the Committee on Ways and Means.

2589. By Mr. KRAMER: Petition of the Eagle Rock (Calif.) Chamber of Commerce, urging the speedy removal of aliens from along the Pacific coast line to interior concentrations, isolating them from both the coast line and water-supply sources where sabotage would most likely occur; also urging the Congressmen to take a firm and positive stand against strikes of any kind that interfere with

the war production program; to the Committee on Military Affairs.

2590. Also, petition of the Fresno (Calif.) Chamber of Commerce, urging immediate removal of all aliens and Japanese citizens or aliens into protective custody of the United States, and that all property of such persons be taken into protective custody of the United States; to the Committee on Immigration and Naturalization.

2591. By Mr. WEAVER: Petition of sundry citizens of Hendersonville, N. C., supporting Senate bill 860; to the Committee on Military Affairs.

2592. By the SPEAKER: Petition of L. A. Nordan, of San Antonio, Tex., petitioning consideration of their resolution with reference to the wage-hour law; to the Committee on Labor.

2593. Also, petition of the Council of the City of Cincinnati, petitioning consideration of their resolution with reference to House bills 6617 and 6750; to the Committee on Ways and Means.

2594. Also, petition of the assistant secretary, State Board of Agriculture of the State of California, petitioning consideration of their resolution with reference to construction of dams necessary to the Central Valley project; to the Committee on Irrigation and Reclamation.

2595. Also, petition of the American Legion, Middletown Post, No. 218, Middletown, Ohio, petitioning consideration of their resolution with reference to all-out aid and unity to win the war; to the Committee on Expenditures in the Executive Departments.

## SENATE

TUESDAY, MARCH 24, 1942

(Legislative day of Thursday, March 5, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, the Very Reverend ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, Ruler of the nations, we entreat Thee in this hour of the world's anguish to have pity upon us, for in Thee is our only hope. Inspire in us, Thy children, the courage to do and to dare our utmost; increase our faith in the religion of our Saviour, which alone can subdue the world by its transmutation of suffering into triumph, of a crown of thorns into a crown of glory, of a shameful cross into a symbol of salvation.

In this Passiontide, dear Lord, teach us anew the mysterious meaning of the cross which brings to men the death of death, the defeat of sin, the beatification of martyrdom, the raising heavenward of voluntary sacrifice, the defiance of pain. Give to us all the certitude which sets no store by the apparent or the tangible, but which, piercing through the mystery of things, shows us joy shining through tears, making of suffering a sacred trial sent by Eternal Love to purify the souls of men. We ask it for the sake of Him in whom dwells all the fullness of the Godhead bodily, Jesus Christ, Thy Son, our Lord. Amen.

#### THE JOURNAL

On request of Mr. MEAD, and by unanimous consent, the reading of the Journal

of the proceedings of the calendar day Monday, March 23, 1942, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on March 23, 1942, the President had approved and signed the following acts:

S. 1564. An act for the relief of Pauline Caton Robertson;

S. 1898. An act for the relief of the heirs of Mrs. Nazaria Garcia, of Winslow, Ariz.;

S. 1906. An act for the relief of the estate of O. K. Himley; and

S. 2134. An act to revive and reenact the act entitled "An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches there-to, across the St. Marys River from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada," approved December 16, 1940.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5444. An act to amend the act to regulate barbers in the District of Columbia, and for other purposes;

H. R. 6386. An act to provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to conform with the increased cost of living in the District of Columbia, and also to conform with wages paid in many cities of the Nation; and

H. R. 6782. An act to authorize the Commissioners of the District of Columbia to assign officers and members of the Metropolitan Police force to duty in the detective bureau of the Metropolitan Police Department, and for other purposes.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2203) to further expedite the prosecution of the war, and it was signed by the Vice President.

#### PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS—PETITIONS

Mr. CAPPER presented petitions, numerously signed, of sundry citizens of Abilene and Fort Scott, Kans., praying for the prompt enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

Mr. WHITE. Mr. President, I ask consent to now present for appropriate disposition a petition signed by various citizens of the State of Maine, praying for the enactment of Senate bill No. 860, known as the Sheppard bill.

The VICE PRESIDENT. Without objection, the petition presented by the